



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

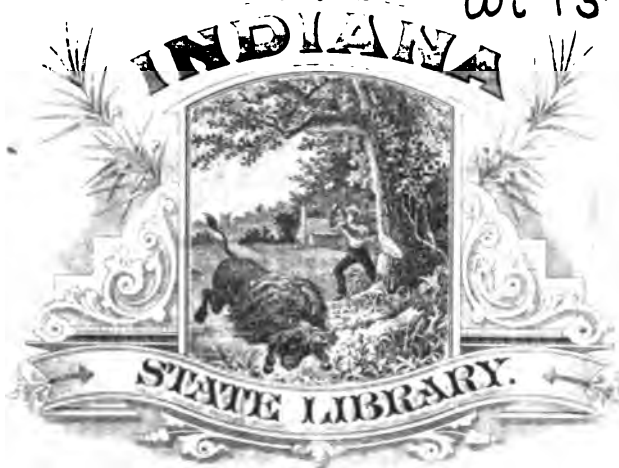
Accession Number.

64155

Class Number.

S. d. 328

Wi 13



April 24, 1914.

Wm. D. Barlowe Lith. 1888

IN SENATE

JOURNAL OF PROCEEDINGS

OF THE

FIFTY-FIRST SESSION

OF THE

Wisconsin Legislature

1913



MADISON

DEMOCRAT PRINTING CO., STATE PRINTER

1913

S. d

328

7-1-13

INDIANA STATE LIBRARY

STATE OF WISCONSIN

Senate Journal

Fifty-First Session

S. J.
322
wip3

WEDNESDAY, JANUARY 8, 1913.

The fifty-first session of the legislature of the state of Wisconsin began at Madison, the capital city of said state, on the second Wednesday, being the eighth day of January, A. D. 1913, pursuant to law, at 12:00 o'clock noon.

The senate was called to order by Hon. Thomas Morris, president of the senate.

Prayer was offered by Rev. George Brown.

The following communication was read by Chief Clerk Wylie:

DEPARTMENT OF STATE,
MADISON, WIS., January 8, 1913.

Hon. F. M. WYLIE,
Chief Clerk of the Senate,
Madison, Wis.

Dear Sir:—I have the honor to transmit herewith a list of the members of the senate of the state of Wisconsin, as appears from the certificates of the county clerks of the several counties comprising the senatorial districts in said list.

Very truly yours,

J. S. DONALD,
Secretary of State.
Per Cobban.

STATE SENATORS.

Dist.

2nd—Timothy Burke.

4th—W. L. Richards.

6th—G. H. Weissleder.

8th—A. E. Martin.

9th—Geo. W. Stark, Jr. (elected November, 1912).

64155

April 24, 1914.

10th—Geo. B. Skogmo.
12th—A. Pearce Tomkins.
14th—Henry N. Culbertson.
16th—Robert Glenn.
18th—Lewis G. Kellogg.
20th—Wm. J. Bichler.
22nd—L. E. Cunningham.
24th—Robt. W. Monk.
26th—H. A. Huber.
28th—Edw. F. Ackley.
30th—W. T. Stevens.
32nd—Otto Bosshard.

DEPARTMENT OF STATE—SS.

I, JOHN S. DONALD, secretary of state of the state of Wisconsin, do hereby certify that the foregoing is a true and correct list of the members of the senate of the state of Wisconsin, elected at the general election held on the 5th day of November, A. D. 1912, as appears from certificates of the county clerks of the several counties comprising the senatorial districts in the foregoing lists, which certificates are now on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the capitol, in the city of Madison, this 8th day of January, A. D. 1913.

[SEAL.]

J. S. DONALD,
Secretary of State.

The roll of the newly elected senators being called, the following appeared at the bar of the senate and subscribed to the oath of office, which was administered by the president, viz.:

Senators Burke, Richards, Weissleder, Martin A. E., Skogmo, Thompkins, Culbertson, Glenn, Kellogg, Bichler, Cunningham, Monk, Huber, Ackley, Stevens and Bosshard.

The roll was thereupon called by Chief Clerk Wylie, and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White and Zophy—33.

ELECTION OF PRESIDENT PRO TEMPORE.

Senator Bosshard presented the name of H. C. Martin.

Senator Husting presented the name of S. W. Randolph.

The roll was called and the following senators voted for Senator H. C. Martin:

Senators Ackley, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kileen, Linley, Martin, A. E., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tompkins, True, Weigle, Weissleder and White—26.

The following senators voted for S. W. Randolph:

Senators Albers, Bichler, Husting, Kellogg, Martin H. C. and Snover—6.

Senator Zophy voted present.

Senator Martin was declared elected, and the chair appointed as a committee to escort the president pro tempore elect to the chair, Senators Bosshard and Husting.

Senator Martin addressed the senate as follows:

Senators: I am going to put forth an example of brevity in speech making that I hope you will all follow during this session, because we desire very much to have a brief session.

If you have anything to say that is very important, as you will, say it earnestly and vigorously before the committee, and then if you have to say a little more in the presence of the senate, make it brief. I am thankful, I appreciate this honor more than words can express. This building will grow in beauty and grandeur as the arrangements are perfected and everything is fixed, as it will be eventually, for the senate of the state of Wisconsin. I can only say in addition substantially what I said two years ago to the new members and the old members, get together, get acquainted, be free and frank with each other, be earnest and fair and honest in your endeavor to accomplish the things that your constituents have sent you here to accomplish. The only way to do that is to be active before your committee; to look carefully over the bills and see that there are no jokers placed in them; that they mean exactly what they say. Get acquainted with each other. Be friendly all the time, but vigorous in opposition to the things you do not like.

I do not know what more I can say, and I am afraid that I will transgress, if I go very much farther in my opening remarks, to be brief. I simply want the official record to show that the president pro tem. made a few appropriate remarks, and let it go at that, and put that in the record whether it is true or not. I would like to have that go in the record.

Now, Senators, I have the great pleasure of resigning this chair to the lieutenant governor, the presiding officer, with the hope, that I expressed two years ago, that he would preside most of the time, and he has almost promised me that he would do so. I thank you.

ELECTION OF CHIEF CLERK.

Senator Hoyt, on behalf of the Republican senators, presented the name of F. M. Wylie.

Senator Bichler, on behalf of the Democratic senators, seconded the nomination.

The roll was called and the following senators voted for F. M. Wylie:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder and White—32.

Senator Zophy voted present.

F. M. Wylie was declared elected and appeared before the bar of the senate and subscribed to the oath of office which was administered by the president.

ELECTION OF SERGEANT-AT-ARMS.

Senator Teasdale on behalf of the Republican senators, presented the name of Chas. A. Leicht.

Senator Randolph addressed the senate as follows:

Mr. President and Senators: It affords me great pleasure at this time, to have the opportunity of seconding the nomination of a man, who during the last regular and special session of the senate, by his courteous manner, and strict attention to duty, performed the duties of his high official position with honor and credit to himself and the senate. And on behalf of the democratic minority I wish to say that we heartily endorse the candidacy of Chas. A. Leicht of New Lisbon, Wis., for the position of sergeant-at-arms of the senate.

The roll was called and the following senators voted for C. A. Leicht:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder and White—32.

Senator Zophy voted present.

C. A. Leicht was declared elected and appeared before the bar of the senate and subscribed to the oath of office which was administered by the president.

RESOLUTIONS INTRODUCED.

Res. No. 1, S.,

Resolved, That the chief clerk of the senate be and is hereby instructed to notify the assembly that the senate is organized by the election of Harry C. Martin as president pro tempore, F. M. Wylie as chief clerk, and C. A. Leicht as sergeant-at-arms, and is now ready for business.

By Senator Scott.

Adopted.

Res. No. 2, S.,

Resolved, That the resident clergy of the city of Madison be and are hereby respectfully invited to open the sessions of the senate with prayer, and that the chief clerk be instructed to advise each of the clergymen of the city of this action.

By Senator Bosshard.

Adopted.

Res. No. 3, S.,

Resolved, That a committee of three be appointed by the president to confer with the superintendent of public property, to ascertain what rooms in the building are available for use by the standing committees, make assignments thereof to the various standing committees, and report their action to the senate with all convenient speed.

By Senator Browne.

Adopted.

The president appointed as this committee, Senators Scott, Browne and Randolph.

Jt. Res. No. 1, S.,

Providing for committee to wait upon governor.

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of two from the senate and three from the assembly, be appointed to wait upon the governor and inform him that both houses are organized and prepared to receive any communication he may be pleased to make.

By Senator Randolph.

Adopted.

RECESS.

Upon motion of Senator Burke,

The senate took a recess until 2:30 o'clock p. m.

2:30 O'CLOCK P. M.

The senate was called to order by the president.

Senator Teasdale moved that the president appoint three senators a Special Committee on Committees.

Motion prevailed.

The president appointed as this committee, Senators Bosshard, Scott, and Randolph.

Senator Bosshard moved that the committee appointed under Resolution No. 3 also assign to each senator his seat in the chamber.

Motion prevailed.

RECESS.

Upon motion of Senator Burke,

The senate took a recess until 4:00 o'clock p. m.

4:00 O'CLOCK P. M.

The senate was called to order by the president.

MESSAGE FROM THE ASSEMBLY

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has organized by the election of Merlin Hull as speaker, C. E. Shaffer as chief clerk, and D. S. Irvine as sergeant-at-arms, and is ready to proceed to legislative business.

And has concurred in

Jt. Res. No. 1, S.,

And has appointed as a committee, Messrs. Mahon, Hedding and Gorecki.

The president appointed as members of the committee under Jt. Res. No. 1, S., on the part of the senate, Senators True and Snover.

COMMITTEE REPORT.

The Special Committee on Committees report and recommend the following committee appointments:

Finance—Geo. E. Scott, S. W. Randolph, John M. True, H. A. Huber, William J. Biehler.

Judiciary—E. F. Kileen, Paul Husting, Timothy Burke, Victor Linley, A. P. Tomkins, G. H. Weissleder, W. L. Richards.

Corporations—Otto Bosshard, Geo. Weigle, Geo. B. Skogmo, C. A. Snover, Robert Glenn, L. G. Kellogg, A. E. Martin.

Education and Public Welfare—H. C. Martin, Geo. E. Hoyt, Howard Teasdale, M. W. Perry, W. W. Albers, E. F. Ackley, R. W. Monk.

State Affairs—M. F. White, Isaac T. Bishop, Gabriol Zophy, Henry M. Culbertson, L. E. Cunningham, E. E. Browne, W. T. Stevens.

OTTO BOSSHARD,
Chairman.
GEO. E. SCOTT,
S. W. RANDOLPH.

Which report was adopted.

REPORT OF SELECT COMMITTEE.

The joint committee appointed to wait upon his excellency, the governor, to inform him that the legislature was organized and ready for business, beg leave to report that they have performed that duty, and were informed by his excellency that he would have the pleasure of communicating his biennial message to the senate and assembly at 9 o'clock A. M. on Thursday, January 9, 1913.

JOHN M. TRUE,
C. A. SNOVER,
On part of the Senate.
THOS. J. MAHON,
A. J. HEDDING,
M. GORECKI,
On part of the Assembly.

ADJOURNMENT.

Upon motion of Senator Randolph,

The senate adjourned until Thursday, January 9, 1913, at 9:00 o'clock A. M.

THURSDAY, JANUARY 9, 1913.

9:00 O'Clock A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Vernon S. Phillips of the Baptist church of Madison, Wis.

The roll was called and the following Senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, White, and Zophy—28.

Absent—Senators Linley, Martin A. E., Richards, Weigle, and Weissleder— 5.

The journal of yesterday was approved.

COMMITTEE REPORTS.

The following committees reported that they have organized by election of their respective chairmen, viz:

Committee on Judiciary, Senator Kileen, chairman.

Committee on State Affairs, Senator White, chairman.

Committee on Finance, Senator Scott, chairman.

Committee on Corporations, Senator Bosshard, chairman.

Committee on Education and Public Welfare, Senator Teasdale, chairman.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 2, S.,

Resolved by the senate, the assembly concurring, That the superintendent of public property be and he is hereby directed to furnish forthwith to the legislature the legislative directories, the legislative manuals and blue book of 1911, the Wisconsin session laws of 1911, the Wisconsin statutes, and the Wisconsin annotations, as provided by section 20.84 of the statutes, this resolution being an application under subsections 6 and 8 of said section 20.84, and in addition one copy each of the statutes and annotations to each member of the Judiciary committee of each house, and one of each of the above to every other standing committee of the legislature.

That the state librarian be and he is hereby directed to supply the Judiciary committee of each house with a set of the Wisconsin supreme court reports and digests thereof, to be returned to the proper custodian at the close of the session.

By Senator Browne.

Adopted.

Upon motion of Senator Martin,

The senate repaired to the assembly chamber to receive the biennial message of the governor.

GOVERNOR'S MESSAGE.

Fellow Citizens of the Senate and Assembly:

A salient feature of government in America is the separation of its departments into executive, legislative and judicial. This partition of power, together with the complicated system of constitutional checks and balances that goes with it, has its merits and its defects. Undoubtedly it promotes independence and responsibility in official action within each department; but it also tends toward enfeeblement of public authority as a whole. Fortunately as to the executive and legislative branches of government in this state the separation is not complete. The governor possesses the veto power. He is also required by the Constitution to "communicate to the legislature at each session the condition of the state and recommend such matters to them for their consideration as he may deem expedient." This power to initiate legislation and to defeat it in effect makes the governor a part of the legislature. In view of this similarity in our respective functions and heartily welcoming as I do the tendency manifest in recent years to closer coöperation between these two great departments of government, I approach the performance of my first duty with the utmost deference to the superior judgment of the many who constitute this honorable body and with the sincere hope that the most perfect harmony may always characterize our relations toward each other.

But before passing on to a consideration of the purely public matters that I am about to present to you, permit me to greet you warmly and in the name of all our people to welcome you to the capitol. Affiliated as you are with various political parties, differences of opinion concerning public matters will naturally arise and antagonism of purpose will sometimes appear. But let us never forget that while some may err, all wish to do well and leave honorable records here. Golden oppor-

tunities to do so are now spread out before you; and undoubtedly before this session has closed there are many among you who will have rendered high and lasting service to the people of Wisconsin. May your residence here be pleasant. May your official labors be fruitful. May the work of this session be profitable to the state. Assuring you in all sincerity that I am as deeply interested in the success of what you are about to undertake as any one of you I invite your confidence and coöperation to the end that as a result of our joint efforts this great state may continue to grow in wealth, in wisdom and in happiness.

The Legislature of 1911.

I have frequently commended the work of the last legislature and congratulated the people of Wisconsin upon the amount, high quality and enduring character of the legislation then enacted. I have felt and still feel that too much cannot be said in its praise. Broad, comprehensive policies were then adopted that have for their object the partial solution at least of problems as old as the human race and as insistent as the requirement of daily bread: the problems of how to secure a closer approximation to fundamental democracy in our civil institutions and to social justice in industrial affairs. One is political and the other economic; one contemplates changes in government, the other improvement in living conditions. Both are equally related to everything that touches the liberty of the citizen.

For the advancement of the first, laws and resolutions were passed concerning corrupt practices in elections, second-choice voting at primaries, the initiative, referendum and recall, local self-government and the expression of the popular preference for president. These enactments, especially the first two, have already been splendidly justified by experience. In the interest of economic justice broad and far-reaching policies were inaugurated relative to labor, taxation, public highways, the conservation of our natural resources, life insurance, industrial education and agricultural coöperation. Looked at in retrospective it appears more like the work of a decade than of a single session. Best of all, it is work so well done that none of it will have to be done over again; for we find now that it is

all as successful in practice as at the time of enactment it appeared sound in principle. It has already greatly benefited our people. It has unquestionably placed our state foremost among the commonwealths of America in enlightened, progressive legislation. It has therefore immeasurably lightened your labors. Nor does it derogate in the least from the dignity of what you may do, to say that one of your principal duties will be to strengthen and perfect by amendment the principal measures enacted two years ago wherever experience may have shown that improvement is possible. Travelers say that in China it is the practice to construct splendid buildings and never repair them; but when they have tumbled down to build splendidly again. Let us not imitate this Oriental custom in dealing with the laws and constitution of our state.

Labor Legislation.

No topic occupied more of the time and thought of the last legislature than the rights of labor. On this subject it took advanced ground. It generously fulfilled the platform pledge that in all matters affecting workers Wisconsin should be placed in the lead. It enacted the first valid workmen's compensation law ever put into effect in America. It regulated the hours of employment of women. It amended and improved the statutes relative to child labor and street trades. Most important of all, it lifted the whole subject of the relation of employer and employee to a new and higher plane by establishing the Industrial Commission modeled after the Wisconsin Railroad Commission that has deservedly won such widespread commendation. Through this new commission as through its prototype the public interests are now adequately protected and the poor are enabled to get justice without having practically to buy it in court in an unequal struggle with wealthy and powerful adversaries.

Experience has already justified the creation of this new board on grounds of economy and efficiency. By consolidating the Bureau of Labor, Industrial Accident Board, the Board of Arbitration, the Factory Inspection and Free Employment Bureaus under one head it has effected a substantial saving by permitting the force of employees to be used where they are

most needed at the time and to be shifted from one department to another as the requirements of the work may demand. It now has eleven departments: the administration of the compensation law, the supervision of women's hours of labor, child labor, truancy, street trades, free employment bureaus, factory safety and sanitation, bakery and confectionery inspection, arbitration, statistical investigations and the compilation of the Blue Book.

By means of this coördination of functions and concentration of authority the administration of the compensation law has cost the state less than \$5,000 the first year, exclusive of the salaries of the commissioners and their printing expenses. Heretofore the free employment offices have been conducted without marked success; now they are fairly comparable to those of Germany where it has always been considered model bureaus of this sort were maintained. This success has been made possible partly because of the centralization of management just mentioned and partly as a result of the financial coöperation of the cities where these offices are located. The safety and sanitation work has been so efficient as to attract the attention of experts throughout the entire country.

In place of the haphazard and piecemeal legislation of former years, the passage of this act imposed on employers in every line of industry the comprehensive duty of protecting the life, health and safety of all employees and left to the Commission the duty of ascertaining what are the dangers from which workmen need protection and how they should be protected.

In carrying out this policy the Commission has wherever possible wisely enlisted the coöperation of every interest affected, not only in drafting its orders but in enforcing them. On the various committees that assisted in formulating its rules on safety and sanitation, for instance, were the representatives of the Wisconsin Manufacturers' Association, the Merchants' and Manufacturers' Association of Milwaukee, the State Federation of Labor, the State Consumers' League, the inspectors of the various liability insurance companies, the inspectors of the cities of Milwaukee and Chicago, the safety experts of employers in Wisconsin, as well as the deputies of the Commission. These committees devoted a large amount of time to this work without any expense whatever to the state. Public authority was kept close to the people. As a result

factory owners have already appointed committees of their own members to make continuous inspection and some of the larger plants have even employed physicians by the year to detect and treat occupational diseases. A striking illustration of the extent to which this policy has been carried was the organization of the "Newsboys' Republic" of Milwaukee which embraces 4,000 members from fourteen to eighteen years of age who have voluntarily assumed entire responsibility for the enforcement of the street trades law. The possible future development of these wholesome departures in the administration of industrial legislation cannot easily be overestimated.

The legislature of 1911 was rightly cautious in granting to the Industrial Commission very much discretionary power in dealing with exceptional labor conditions. Instead, rigid rules were laid down respecting child labor, women's hours of employment, and other similar subjects. But in the administration of these laws the Commission has found a variety of conditions in different industries that seem to call for greater elasticity. In the enforcement of the women's labor law, for instance, it has been found that there is a wide difference between the light work on a rural telephone with frequent periods of rest and the nervous strain at a city switchboard. Inharmonious provisions in the law have also come to light, such as an hour for dinner in the women's law and only half an hour in the children's law. In respect of these and similar matters it would seem to be advantageous to make the law more flexible by authorizing exceptions from the strict letter of the statute as at present laid down in every case where the Commission shall find on public hearing the requested modifications to be within the spirit of the law and not prejudicial to the health of the employees to be affected by it. The law may be permitted to stand as it is but the legislature should now, in view of the known methods of administration employed by the Commission and the marked success that has attended them, consider the wisdom of authorizing greater opportunity for the exercise of discretion in clearly exceptional cases. This principle of greater adaptability should apply to the laws concerning child labor, street trades, women's hours of employment, and possibly other similar matters now committed to the Industrial Commission for enforcement.

Workmen's Compensation.

The workmen's compensation act has been fully vindicated by experience. On December 15, 1912, 567 employers and about 76,000 employees had come within its operation. During the month of November, 1912, 44% of the accidents reported to the Industrial Commission were subject to compensation under this plan. Thus nearly half of all industrial hazards are already covered by the act. When it was passed the defences of assumption of risk and the negligence of a fellow servant were taken away from employers who did not accept its provisions. Other states like Massachusetts, Kansas, Michigan, Ohio, New Jersey, Rhode Island and Illinois in legislating on this subject abolished not only these two defences but also that of contributory negligence. Insurance rates in these states are now found to be about the same for those within as for those outside the operation of such laws, and a marked tendency is manifest to come under them. With this object in view, it seems to me the defence of contributory negligence should be wiped out here also. That no hardship will result from this course is shown by the fact that among all who accepted this humane enactment only one employer has thus far taken advantage of the opportunity it affords to withdraw from the operation of its provisions.

A number of states, including Michigan, New Jersey, Massachusetts, and Rhode Island, have made provision for compensating employees for specific injuries such as the loss of an eye or a hand by requiring payment for a definite time on the basis of a certain percentage of the wage received when the injury occurred. Our law fixes the amount to be paid on the basis of actual loss of wages only. This is not always just and I recommend an amendment which will provide for the adoption in such cases of the rule now followed in other states.

As the law now is no employer can become subject to its provisions without first filing with the Commission notice of his acceptance, and after he has given such notice workmen in his employment are presumed to accept the law unless they specifically notify the Commission to the contrary. The rule applicable to employers should now be revised so as to harmonize with the requirements imposed upon workmen. At a certain date fixed by law all employers in Wisconsin should be

deemed to be within the scope and operation of the workmen's compensation act unless prior to this time they shall have notified the Commission in writing to the effect that they do not wish to do so.

Taxation.

Taxation is one of the most important subjects with which legislators have to deal. Whether heavy or light, the average citizen is ever sensitive to its weight. No effort therefore should be spared to equalize the burden. The demand of rural communities for better roads and schools; the requirement of rapidly growing cities for streets, sewers and sidewalks and for more and better parks and playgrounds inevitably call for increased expenditure, which must be met by increased taxes. The problem of distributing this burden so that each shall contribute his just share is by no means either simple or easy to solve.

THE INCOME TAX.

The Wisconsin method of taxing property has long ranked among the best in the country but it necessarily shared the defects inherent in all systems of general property taxation. The selection of assessors every year, the difficulty of valuing many classes of property and the hostile attitude of large numbers of people well able to pay, resulted in the practical breakdown of personal property taxation. Thereupon the people of the state demanded a substitute and the legislature of 1911 took a long step in advance by enacting an income tax law.

In the language of Chief Justice Winslow who delivered the opinion of the court in the Income Tax case, "this law marks a very important change in the taxation policy of the state, and is but a concrete embodiment of a popular sentiment which has been abroad for some time."

As might be expected, so radical a change in our fiscal system aroused strong opposition, especially among those directly affected by it, many of whom had not borne their fair share of the public burden under the old plan. Notwithstanding this opposition, a year's administration of the new law has fully justified all the claims of its advocates and demonstrated for

the first time in the history of the country that a state income tax can be made an effective revenue producer. The report of the Tax Commission, which is ready for submission to you, presents a summary of the principal provisions of the law and the full results of its operation. The showing there made completely vindicates the wisdom of the people in demanding an income tax and the legislature in establishing it. Disregarding the personal property offset, during the first year of its administration it has yielded over \$3,500,000 in revenue—more than was collected throughout the entire United States under the first Federal Income Tax of 1863, and many times more than was ever before collected from this source in a single year in all the states of the Union put together. The success of the law as a revenue producer has been demonstrated therefore beyond dispute.

A second and more important result shown by the report is the fact that this revenue will largely come from sources that failed heretofore to contribute their full share. No poor person will contribute a single dollar of revenue under this law, and no excessive burden is imposed upon the well-to-do or the wealthy. The tax reaches less than 2 per cent of the entire population of the state, and this number will contribute over 10 per cent of the revenue to be raised for all purposes. In the light of this experience and the popular endorsement of the income tax at the recent election in the face of the most determined opposition, it is plain that the principle of income taxation has come to stay. No question as to its wisdom therefore now confronts you. That question has been settled by the decision of our courts and the verdict of the people. Your only duty is to simplify it and render it more effective in administration.

The situation is by no means strange. There were no satisfactory precedents among the income tax laws of other states, and it is not surprising therefore that minor defects developed in the practical administration of our law. These defects can be readily cured by amendment. A number of such changes designed to render the law plainer and more consistent have been suggested by the Tax Commission, and will I trust receive your early and favorable consideration. It seems to me that no radical change in the general scope or character of the act should be made at this time. Because national banks are not:

subject to it, state banks should be exempted also; but both should be taxed upon their personal property as heretofore.

As originally introduced in the legislature the present law exempted all personal property from taxation; but inasmuch as it was likely to be tested in court and up to that time no state had succeeded in administering an income tax law, this provision was defeated. The act as passed did exempt moneys and credits, household furniture, farm machinery, implements and tools, and a few other articles. These classes of property had always been poorly assessed and yielded very little revenue in proportion to their actual value. At the same time a provision was inserted in the act authorizing any person paying a personal property tax to offset it against his income tax. This in effect exempted him from personal property taxation to the extent that he was also subject to an income tax. This provision was designed primarily to preserve the existing status until the validity of the law should be passed upon by the courts and its usefulness as a revenue producer had been practically tested.

Prior to the passage of the income tax law the total tax yield of personal property was \$5,108,550. During the first year of its administration the income tax amounted to over \$3,500,000. The yield from personal property still subject to taxation is estimated at \$3,752,250. In view of these facts the Tax Commission suggests in its report that all personal property may now be exempted except public utilities, and the stocks of banks and trust companies. Unquestionably this is the final goal we all wish to reach and if conditions were ripe for the change I should cheerfully concur in the suggestion; but it is not clear to me that the time for doing this has yet arrived. The foregoing figures indicate that the income tax falls \$250,000 short of the amount derived from the personal property still assessable, and nearly \$2,000,000 short of the amount derived from personal property taxation as it was prior to the recent exemptions. It is true that 1911 was not a prosperous year and that another twelve months' experience in the administration of the law may show larger returns. But the gains in this direction may be offset in other ways. Several important questions affecting the yield of this tax were reserved by the Supreme Court in its recent decision, and it seems to me the law should be given a fuller test both in the courts and in practice before making any fundamental change or hazarding the loss of this added revenue.

If the income tax should fail to yield as much revenue as was previously derived from personal property, the excess would fall upon real estate, which is already bearing its full share of the public burden. It is common observation that the trend of population in recent years is strongly toward the cities with a consequent neglect of rural development. The effect of this tendency is to increase the cost of living and lessen the economic independence of our people. Nothing should be done further to load down the land owner, but on the contrary he should be given every economic advantage as a check on the abnormal drift of population to industrial centers. In distinctively agricultural counties the income tax this year will fall considerably short of the amount raised from personal property. Doing away with the personal property tax would inevitably increase the burden now laid on land in these districts unless the basis for the distribution of the proceeds of income taxation should be changed at the same time.

The income tax in its present form may and probably will yield the full equivalent of the personal property tax before the next legislature convenes. Then also administration of it will have settled to a definite, fixed course and most if not all of the legal questions now open will have been determined. I therefore recommend that no radical change in the general scope or character of the income tax law be undertaken at this session and that no further exemption of personal property be made. But amendments necessary to make the law simpler and more easily understood by the tax payer and more effective from an administrative standpoint should be adopted without delay.

TAXATION OF TELEPHONE COMPANIES.

During the closing days of the last regular session I called the attention of the legislature to the fact that in all probability our present laws for the taxation of telephone companies are invalid for unconstitutionality. These laws make the basis of the tax the earnings these utilities derive from their interstate business as well as that done within the state. Under the commerce clause of the federal constitution the power to impose burdens of any kind upon interstate trade is expressly reserved to the general government. In the cases entitled *Galveston, Harrisburg and San Antonio Railway Company vs. the State of Texas*, 210 U. S. 217, and the *Western Union Telegraph Company vs.*

The State of Kansas, 216 U. S. 1, then called to the attention of the legislature, the Supreme Court of the United States held that a tax of this sort is a burden upon interstate commerce and in violation of the provision of the federal constitution to which I have referred. The legislature however was then so occupied with other matters and so little time remained that nothing was done. It seems to me that if the telephone companies of Wisconsin doing an interstate business should refuse to pay the taxes imposed upon them under present laws we should be unable to compel them to do so. On this account and for the additional reasons stated in my regular message to the legislature two years ago relative to this matter, a change should now be made from the present license fee method of taxing telephone companies to the ad valorem system now applicable to every other public utility in the state. Fair treatment of all property owners similarly situated as well as the desirability of undoubted validity in the ground work of the tax equally justify such a change.

Highways.

The last legislature created the Wisconsin Highway Commission and appropriated \$350,000 of state money to aid towns and counties in the construction of roads and bridges. The first work under this law was done in 1912. Despite the fact that the season was rainy and bad for road building and that almost all of the state engineers and the county highway commissioners were inexperienced in the work, over 500 miles of road in 65 counties and 276 bridges in 52 counties were completed in a very satisfactory manner, at a total cost of about \$960,000. Of this amount \$850,000 were paid out for road work and \$110,000 for bridge construction. The state contributed practically one-third of the cost. In addition to this financial aid the commission furnished plans for the construction of county bridges that cost \$198,000 and made surveys and plans for many road improvements in counties, villages and towns.

The policy of state aid for the construction and maintenance of public highways inaugurated two years ago has therefore proved a complete success. Indeed, it is almost too successful. The petitions for state aid for 1913 call for an appropriation of \$823,000 by the state. This is almost three times as

much as was spent in 1912. It is a rapid increase; but if possible the legislature should not permit this work to lag for want of necessary funds or the encouragement coöperation by the state affords. It should be borne in mind also that in order to make such an additional appropriation available in time for work during the present year it must be made very early in the session.

Under the present law the state highway fund is raised by a property tax, specially levied and collected each year. A better policy would be if possible to make it up from the general revenues of the state and to raise only the amount not thus available by a state tax.

The last legislature appropriated a definite sum annually to cover the cost of supervising the construction of roads and bridges. Since this item of expense must necessarily vary with the amount of work to be supervised, it is desirable that a more elastic provision be incorporated in the law. I am told that in engineering work of this sort the expense of supervision is customarily figured at a percentage of the total cost. In many states this item runs as high as fifteen per cent of the entire amount. The Highway Commission has informed me however that it will be able to carry on the work for not to exceed five per cent of the cost of construction. Should this percentage seem reasonable to the legislature the law should be amended accordingly so as to obviate the necessity of changing the amount to be allotted for this purpose each session of the legislature.

Some states are now employing their prison convicts in building highways. Colorado has been especially successful in the development of this idea. If it be possible to apply it advantageously in Wisconsin, it is highly desirable; but before finally deciding the matter preliminary experiments should be made. I respectfully recommend therefore that the Board of Control and the Highway Commission be given authority and a limited appropriation to carry on a joint investigation of this subject by the use of a limited number of convicts in road work in the northern part of the state, preferably on lands reserved for reforestation, and that they be required to report to the next legislature the results of the experiment, together with their recommendations.

There is some criticism of the lack of continuity in the stretches of road now being built by means of state aid and many suggestions have been made for the more rapid completion of the main

lines of traffic. One way in which this object may be promoted is to change the automobile license tax from a uniform sum per car as at present to a reasonable minimum charge for the lighter cars, with a proportionate increase for the larger automobiles, depending on horse power or weight. The proceeds of this tax instead of going as at present in large part to the counties where it is frequently frittered away without any permanent improvement to show for it, should be used under the direction of the Highway Commission in the maintenance and construction of the lines of traffic which connect the principal cities and villages of the state.

The plan of an unsalaried highway commission has worked well. For the present at least there should be no change. The demand for better roads is growing everywhere throughout the state as rapidly as the development of properly trained road builders and the condition of the labor market will permit.

There are few things within the control of this legislature that will accomplish more for the upbuilding of the state than the development of our public highways and I have been pleased to note the growth of public sentiment favorable to it. Wisconsin has entered upon a far-reaching, constructive and beneficent policy in a safe, conservative way and I believe the enactment into law of the recommendations here made will permit of the efficient accomplishment of the work lying immediately before us as rapidly as is consistent with good business judgment.

Conservation of Natural Resources.

MINERALS.

In my message of two years ago I called attention to the disparity which exists between taxes on mineral deposits and on timber. Standing timber is taxed every year under the general rule. Minerals, being underground and not readily open to view, almost invariably escape. This is true of all the important minerals of the state, whether iron, lead, or zinc. In regard to iron, explorations have shown large quantities of ore in the Baraboo, Gogebie, and Iron Ridge districts. Dr. C. K. Leith of the University gives the following rough approximation of the merchantable tonnage now in sight: Gogebie district, 5,000,000 tons; Baraboo district, 5,000,000 to 10,000,000 tons; and Iron

Ridge district, 30,000,000 to 40,000,000 tons. The facts in detail for each piece of property in these explored areas both as regards quantity and quality of the deposits should be ascertained as in Michigan and Minnesota, and the land taxed the same as other property.

Aside from these discovered ore bodies, there are extensive areas in the northern part of the state, some of which are known to contain iron bearing formations. The mineral rights are partly owned by those in possession of the land and partly by great lumber companies that reserved title to them when they sold their cutover holdings to settlers. These companies now pay no taxes on these undeveloped properties. I am told it is entirely practicable quite accurately to delimit these mineral areas and to ascertain their value for purposes of taxation.

This should now be done. The state geological survey should be authorized to make an accurate determination of the iron ores of merchantable value that have been developed as a result of exploration and should classify the lands of the northern part of the state on the basis of their mineral value. Statistics along similar lines should be compiled for the lead and zinc districts in the southwestern part of the state. With this information at hand it will be possible for the Tax Commission to ascertain the value of all mineral rights within the state both for the areas in which there are definitely circumscribed deposits and those that are not yet developed. All such property should then be made to bear its just proportion of taxes.

WATER POWERS.

At the special session of the legislature less than a year ago I called attention to the fact that out of all the controversy concerning water powers there had come a substantial consensus of opinion that water power legislation is desirable for the accomplishment of at least three principal objects and I then recommended the enactment of a bill that had been carefully prepared by the Joint Committee on Water Powers and Conservation. Discussing the objects to be attained by the proposed legislation, I said:

“First is the need of public control of the location, construction, height and strength of dams, their sluices and spill-ways, in the interest of improvement in navigation and

safety to life, health and property. With the facts of the catastrophe at Black River Falls still fresh in the public mind, caused as it was by the breaking of improperly built dams at Dells and Hatfield, the importance of this consideration needs no argument. Privately built and privately owned as these dams were, the public is now called upon to foot the bill of expense incurred by reason of their faulty construction, while in addition irreparable harm has been done to innocent individuals and distant communities. The incident is not isolated in the history of the country and the lesson is obvious. There should be no recurrence of it in Wisconsin. In the exercise of its police power the state has ample authority to regulate the whole subject in the interest of public safety and the general welfare.

"The second reason for legislation upon this subject at the present time is the desirability of providing a way now for attaining ultimate ownership and operation by the public of all water powers in the state whenever the people shall so desire. This object can be accomplished by providing just and satisfactory means for the condemnation of dams, water power sites and riparian rights by public utilities, municipalities and the state itself whenever it shall have the constitutional power to acquire and operate them.

The third argument in favor of the passage of a general law for the regulation of water powers in lieu of the former policy of enacting a multitude of private and local acts, is the desirability of prompt development of water powers which in the northern part of the state at least are now one of our main natural resources. For about six years development of this sort has been practically at a standstill; at least no permission has been granted by the state to build a dam during this time. This delay may have been unavoidable while the people were making up their minds as to what should be the future policy of the state relative to this subject; but this has now been done and the work of outlining such a policy and giving it legal recognition and sanction should no longer be delayed.

"There is no necessary conflict among these various objects. Under the decisions of our Supreme Court the owner of the bank of a river is entitled to the use of the energy of the stream between his upper and lower boundary so long

as he does not interfere with dominant public rights. But he may not intrude into the stream to build a dam which may affect navigation or endanger the health, life or property of others without permission from the state, any more than the state can take his property without returning full compensation to him. In the development of every water power therefore these two rights meet—one public and the other private—and they should be harmonized upon a basis that will prove just and fair to all.”

As no law upon this subject was passed at the special session, the problem remains to be dealt with by you and I feel that I cannot do better than renew the recommendations I then made.

In addition, permit me to say that so far as hydraulic energy is required for public purposes the state should reserve the right to compel the maximum development of the water powers for which franchises are granted. In all authorizations to build dams it should also require in cases where the energy may be used either within the state or outside its borders that its own citizens shall be given the preference. To the end that proper water power development may be encouraged the principal streams of the state should be accurately surveyed and gauged by the State Geological Survey, with the cooperation if possible of the United States Geological Survey.

FORESTS.

The general situation concerning the forests of the state has not changed greatly since my message two years ago. In addition to the customary appropriation for the maintenance of the forestry board, the legislature of 1911 appropriated \$50,000 a year for five years for the purchase of forest lands. All of this money has been spent or contracted for, to block up the forest reserves theretofore acquired. During these two years about 94,000 acres have been purchased, and at the present time the total area of the state forest reserve is over 400,000 acres. However there are several times this amount of land in the northern part of the state better adapted to forestry than to agriculture. Much of it is increasing in value, and the large holdings especially suitable for forestry purposes are being cut up into smaller ones and sold piecemeal. If therefore, the legislature wishes to increase the forest reserve it

should act promptly by providing at this session sufficient funds to acquire the necessary lands. An amount of money sufficient to do this cannot be raised in a single year or even in a few years. What is needed is a definite policy extending over a long period of time. This settled it will be possible for the board of forestry to enter into land contracts without waiting for the ready money. Thus the forestry board will be placed in a position to move forward cautiously, taking advantage of favorable opportunities to add to the forest reserve as they arise.

But if we are to retain wood-using industries in the state we cannot afford to depend wholly on the state forest for material. Here, as in Europe, private enterprise also must be enlisted. It is clear however that this can be done only after a change has been made in our method of taxing standing timber. Private owners cannot pay the regular rates of taxation imposed each year upon the full value of a growing forest and still secure a fair return on their investments. This crop, because it takes so long to raise, should be taxed more moderately than other forms of real estate.

Concerning the subject of reforestation therefore I respectfully recommend a continuing appropriation to be derived from the levy of a fraction of a mill tax for a period of twenty year for acquiring land to complete the forest reserves in the northern part of the state; and that a better method of taxing timber land be devised so as to enable private owners to hold growing timber on land that is better adapted to this purpose than to agriculture.

LAND.

EROSION.

In my message two years ago I referred to the obvious fact that the land is more important than all other natural resources of the state put together, and that the preservation of the soil from depletion and erosion is a matter of supreme importance. I also expressed the opinion that the solution of the problem of soil conservation will be found partly in education and partly in public regulation. It is known that about 4,000,000 acres of land in Wisconsin are subject to exceptional erosion; and in some cases extensive systems of gullies are formed, which if

allowed to remain and grow will wholly destroy the soil. Where this is permitted by an exceptionally careless farmer, it will be possible to invoke the law passed at the last session, making it a misdemeanor unnecessarily to destroy a natural resource. But far more important than such exceptional erosion is the annual loss of soil on vastly greater areas of moderate slope through existing methods of farming. A decrease in erosion on such lands can only be accomplished through a better understanding on the part of the owner of the importance of the conservation of his farm. To bring this about the soils branch of the Geological Survey and the agricultural college should prepare a bulletin upon erosion of the various types of soil in Wisconsin and the preventive means to be employed in each case. This bulletin should be distributed widely throughout the state.

WEEDS.

It has been known for years that noxious weeds are the cause of an annual loss to the farmers of Wisconsin of millions of dollars. Yet in some places the evil appears to be growing. Canada thistle and quack grass are now found on as much as one-fourth of the land on large areas throughout the north-eastern part of the state; and no part of Wisconsin is entirely free from them. Like the preservation of the soil, eradication of these weeds is largely a matter of education. Many farmers are unable to distinguish noxious weeds from harmless plants and do not know how to get rid of them when they are identified. A weed manual should therefore be prepared containing illustrations of each of the important types of harmful growth, with accompanying descriptions. This manual should explain how the land may be treated for the elimination of noxious weeds. A large edition of it should be printed for free distribution and a copy should be placed in every school in the state.

But here again education alone is not sufficient. The office of state weed commissioner should be created, with authority to supervise the work of local weed inspectors in the enforcement of the law. Here as elsewhere centralization of authority is the one indispensable condition of efficiency. It should be the duty of this officer to direct a campaign for the destruction of all noxious weeds. The existing law should also be strength-

ened and improved. It should specifically name the **weeds** that in the light of present knowledge are harmful and **they** should be declared a nuisance.

DRAINAGE.

In 1905 a general law was passed to cover the drainage of the wet lands of the state. But it did not work well and the whole subject was exhaustively studied by the recess committee of the legislature of 1909 upon water powers, forests, and drainage, and a bill was proposed and recommended for passage.

The legislature of 1911 made certain amendments to the old law that have somewhat improved matters; but even as amended these statutes are defective in that the expense of forming drainage districts is very great and litigation is too frequent. Professor A. R. Whitson of the College of Agriculture estimates that there are 2,600,000 acres of wet lands in the state and that plans have thus far been formulated for draining only about 360,000 acres. Indeed, only six or seven per cent of this land has actually been brought under cultivation. So the subject is one in which it can scarcely be said that satisfactory progress has been made. A saving in expense may be effected in the future by requiring the soil department of the Agricultural College to make the preliminary surveys at actual cost. I submit the whole subject to you for further consideration.

THE GEOLOGICAL SURVEY.

The foregoing suggestions concerning conservation all involve expansion of the work of the state geological survey. But it is manifest that with its present appropriation this department will not be able to do the work outlined without too great delay. I therefore recommend that it be given sufficient funds to carry on the specific lines of work necessary properly to tax mineral lands, to gauge streams preparatory to the development of water powers, to check soil erosion, and to extend drainage. The amount of money necessary for these purposes is small compared to the benefits that will accrue to all the people of the state.

New Legislation.

But while amendment of preexisting statutes wherever found necessary is one of the principal duties of this legislature, it is not the only one. Something more should be done. Entirely new ground should be broken. Present laws should be supplemented and new ones passed. Existing conditions, the reasonable expectations of the people, the platform pledges of the party in power and our own sense of duty suggest that the movement for social justice and political freedom so well begun in Wisconsin should not now be permitted to slacken. But in going forward there should be the same genuine solicitude for every individual and interest to be affected by what we do that has characterized the legislation of our state in the past.

Minimum Wage.

The Supreme Court of the United States and several state courts have repeatedly recognized that inequality of bargaining power constitutes a reasonable ground on which the state may aid the weaker party. For example, in the execution of judgments, Wisconsin was the first state to adopt a wage exemption, providing in its constitution of sixty-five years ago for protection of the working man's "necessary comforts of life." At that time the law was generally regarded as an infringement of the rights of property and was denounced as class legislation. But Wisconsin was soon followed by nearly every other state in the Union, and the courts everywhere eventually came to recognize wage exemptions as matters of sound public policy, justifying broad and liberal interpretation.

Modern industrial conditions have brought this same question of the "necessary comforts of life" to the front in a new form. Great corporations employing hundreds of scattered tenement house workers have a superior bargaining power that is already recognized by the state in its law prohibiting the employer from sending out work to a tenement house that is not licensed; for if he be permitted without regulation or control to send out work to the homes, he can secure free light,

rent and heat besides the advantage of defenceless competition among out-workers and the opportunity to evade the women's and children's hours of labor law by adding the time at home to the regular period of employment in the factories. Undoubtedly there are other like cases of depressed wages which investigation will in time reveal.

A bill providing for minimum wages was introduced in the legislature of this state two years ago but failed of passage. This class of legislation while reported to be wholesome and effective in Australia and England is so novel to our system of jurisprudence and involves such difficult problems of administration that the legislature should proceed with caution respecting it. But we should not again fail to do anything whatever in the matter. In the beginning it might be best to make the idea effective in a limited field such as the wages of women in the most oppressive occupations. At the same time the Industrial Commission might be authorized to experiment with and develop methods of investigation and administration adapted to the enforcement of such a law. No enterprise in Wisconsin is dependent for success upon the underpaid labor of women, although there may be establishments that are willing to exploit this class of economically defenceless workers. They should not be permitted to do so. We should have a carefully drawn law fixing a minimum wage for women. To this proposition the platform of the party in power has pledged its members. Legislation within these limits should therefore now be framed.

The same experimental method should be applied to the question of compensation for industrial diseases. This problem should be referred to the Industrial Commission, a special legislative committee, or the Board of Public Affairs for thorough investigation and report to the next legislature.

Mothers' Pensions.

The platform of the majority party in this state also pledged its members to the enactment of a law for the establishment of mothers' pensions. The fundamental idea underlying this proposed reform is that the home is a better place for children than a public institution, and that the mother is their best as

well as their natural guardian. It has also been found cheaper for tax payers to compensate the mother in proper cases for the care of her own children than to support them independently of her. However a public allowance of this sort should only be made to mothers who in the judgment of a court are worthy of the custody of their children and ordinarily it should not be made unless found necessary to save the children from neglect. This aid to needy but deserving mothers should not be regarded as charity but rather as the recognition of an obligation actually due them in return for their service to the state as bearers of children.

Prison Labor.

One of the subjects investigated by the Board of Public Affairs during the past year is the advisability of abolishing the present system of prison contract labor at Waupun. In the main, this institution is well conducted. The prisoners are treated kindly, are well fed and well housed, the buildings are kept in a clean and sanitary condition, excellent discipline is maintained and good educational facilities are provided. In a word, everything that affects the physical and moral wellbeing of the inmates is reasonably satisfactory.

But the business or industrial side of the institution is not so free from cause for fair criticism. By the terms of its contract with the Paramount Knitting Company the state now receives 65 cents a day for the labor of convicts employed by it in the manufacture of knit goods. For this sum the state furnishes not only labor but also buildings, heat, light, and power to run the machinery at which the prisoners work. These additional items of rent, heat, light and power amount roughly to about 25 cents a day, thus leaving only 40 cents per day as compensation for the work of each convict. There is little cause for surprise therefore that the state prison is not self-supporting. On the contrary, the last legislature appropriated \$50,000 a year for its maintenance. The Minnesota state prison at Stillwater, with about the same number of inmates of the same general character but differently employed was conducted last year at a profit of \$150,000.

Undoubtedly many of our prisoners are capable of earning from one to three dollars per day at proper employment. The knitting company now has a contract at a net rate of about 40 cents a day because no one bid higher at the time the agreement was made.

The objections to the present arrangement seem to me to be serious enough to deserve your earnest consideration. In the first place, the prison should be self-supporting. There is no good reason why the law-abiding people of Wisconsin who have once suffered injury by infraction of their criminal statutes should be further burdened by the maintenance of these criminals after they have been caught and sentenced. Under proper conditions the state prison should not only be self-supporting, but the convicts should be made to work hard enough and at employments productive enough to enable the institution to realize a substantial profit each year. Part of this surplus might appropriately go to the state to compensate it and its local subdivisions for the expense of maintaining the courts in which the prisoners were tried, but another part—and a large one—ought to go to the convicts themselves to enable them to maintain their families if they have any and at the expiration of their terms to go wherever they believe they have the best chance of making a new start in life. But of course neither the state nor the inmate can be benefited in these ways unless the institution is more than self-supporting.

In the second place the convicts at Waupun learn no useful trade or employment while working under this contract. Attending a knitting machine is girls' work—not men's. However proficient in it able bodied men may become during their life in prison there is little likelihood that they will ever resort to it after they have regained freedom. This, it seems to me, is a very grave defect. The fundamental requirement of permanent reformation of the convict is training and education such as will enable him to earn an honest living after he leaves the prison. Our penal and reformatory institutes are filled with ne'er-do-wells who are there largely because they have been unable to meet the competition of normal individuals in the ordinary walks of life. Prison training and discipline should have as its main purpose to put them on their feet. It should supply them not alone with a motive and disposition to obey the law; it should give them confidence and ability to hold

their own in the struggle for existence as it is carried on outside prison walls.

The present plan is therefore burdensome to the tax payers of the state and unfair to the prisoners.

On the other hand, it furnishes steady employment for all convicts who are able to work. It thus ensures against enforced idleness—the worst vice of prison life. Though under it the institution is not now self-supporting, with certain improvements it may possibly be made so.

During the past year under the terms of a law enacted at the last session of the legislature a plant for the manufacture of binder twine was established at the state prison. This industry has been profitably conducted in the penitentiary of Minnesota and elsewhere and there is no reason why it should not also be a success here. If so a portion at least of the prisoners at Waupun will be profitably employed at work at which they may derive skill and training that will fit them later for useful employment. In another part of this message I have recommended the employment of some of the convicts at Waupun in an experimental way in the work of road building. But better than the legislative selection of any specific employment or industry would be the enactment of a statute which would confer upon the Board of Control discretionary authority to employ the convicts in such manner as will conduce to the advantage of the state, the welfare of the prisoners and their proper training and equipment for honest employment when their sentences have been served. It is not wise or prudent to attempt to remodel an institution of this sort all at once. The change must be made gradually and the transition from the contract labor system to manufacturing on state account or for state use, according as one or the other may be preferred by the legislature or by the Board of Control, should be effected gradually in order that all the prisoners may be kept employed at some useful work all of the time.

Board of Control.

When the State Board of Control was created twenty-two years ago there were six institutions under its supervision. Now there are ten. Meanwhile the inmate population of these institutions has more than doubled. As a result the work of the Board has

greatly increased. It spends now over a million dollars a year. In addition to the management of these institutions it paroles inmates from the Industrial School for Boys, the Wisconsin State Reformatory, and the State Prison. It administers in part the probation law. It is also charged with responsibility for the proper business management of the new binder twine plant at Waupun. All these duties, new and old, have crowded upon the members of the Board until they are overworked.

Nevertheless under the law it is their duty also to inspect county asylums, poor houses, jails, city lockups, work houses, houses of correction and some private correctional institutions. What this requirement signifies in its demands upon the time of the members of this board will be appreciated when it is known that there are in this state subject to such inspection 34 county asylums, 42 county poor houses, four city poor houses, 70 jails, 318 police stations and lockups, two county sanatoria, and 88 private benevolent institutions. Manifestly it is a physical impossibility for the Board of Control to do all this work in addition to the proper performance of its other duties.

In view of these facts I respectfully recommend that the law be so amended as to authorize the Board of Control to appoint such numbers of agents or deputies as may be needed at fixed salaries, to make inspection of these county and local institutions under its direction. Just as good inspection service may be rendered by such an agent or deputy who has made a special study of this particular work at a considerable saving in expense to the state. At the same time this work should not be turned over completely to such agents or deputies but the Board itself may be left to do such part of it as their time will permit or they may deem necessary.

One result of such a change as here proposed will be to permit the board to be in practically continuous session in Madison. The business now transacted at the office is sufficient in amount and importance to engross practically all the time and attention of the members.

Unquestionably the care of the inmates of the hospitals for the insane, the Home for the Feeble minded, the Home for Dependent Children, the Industrial Schools for boys and girls, the Tuberculosis Sanitorium at Wales, and the hospital for crippled children at Sparta is work second to none, in importance. These unfortunates cannot look out for themselves. It would

be well-nigh criminal should we not protect and guard them in a manner befitting the high standards of the enlightened and humane citizenship of our great state.

Protection to Investors in Corporate Stocks.

The time has come in Wisconsin when the sale of corporate securities should be placed upon a more satisfactory basis. Investigations by the United States Secret Service have disclosed facts to justify the conclusion that from \$75,000,000 to \$100,000,000 are paid out each year by investors for fraudulent and worthless corporate stocks. Every day gold mines, silver mines, zinc mines, rubber plantations, oil wells and coffee farms are romantically described by clever promoters and reckless stock brokers to unsuspecting and inexperienced investors until the hard-earned cash of school teachers, widows, orphans, business men, dentists and lawyers—for who has escaped?—has been paid over and all that is ever received in return is beautifully lithographed stock certificates worth less than the cost of printing them. These swindling transactions have gone on unchecked for years until we are all perfectly familiar with them.

In 1905 the legislature of this state passed an act to regulate investment companies but the language was too vague and indefinite to apply to these wildcat mining, irrigation and plantation ventures and so has never been invoked as a remedy for the evils here under consideration. Two years ago Kansas took an advanced position in this matter by the enactment of its so called "blue sky law". From all accounts it has worked well. As a result, the idea of placing the promotion of corporations under public regulation has met widespread approval. A statute similar to that of Kansas sufficiently modified to meet the needs of our own state would be a desirable addition to our laws.

The Settlement of Farm Lands.

The settlement of unoccupied farm lands in the northern part of the state is a problem that has engaged the attention of the Board of Public Affairs for more than a year. There are about 10,000,000 acres of such land, once in forest but now practically

stripped of its timber. At the same time here and in other states are thousands of men who are fitted by training and natural aptitude to make good farmers but who have drifted into the cities and frequently into the ranks of the unemployed because they have been unable to find land at prices they could afford to pay. The problem then is how to bring idle men and idle lands together for the betterment of both. To do this certain fundamental needs must be met such as the necessity for guidance and protection in the selection of land, available capital and credit to enable settlers to farm properly, suitable highways in new communities and sufficient publicity to bring accurate information with respect to these undeveloped resources of our state to those whom we wish to have settle within our borders. We should not only invite settlers to Wisconsin but should encourage and protect them in every way possible after they have come here in order that they may become successful farmers and independent, self-reliant citizens. Some administrative board therefore should be given authority to work in conjunction with the College of Agriculture in advising settlers as to farm management, the marketing of farm products and the purchase of farm supplies; in representing them in negotiations with the railroads and other public utilities, the Department of Agriculture of the federal government, and all other agencies, public or private, that may render assistance to them; and it should investigate from time to time the progress and development of agriculture in the sparsely settled portions of the state.

The prime need of these new settlers is capital. For the most part they are men of small means and the banks and other lending agencies about them are either unwilling or unfitted to supply them with necessary funds to enable them to farm their lands in a proper manner. The state should relieve this condition by encouraging the development of agricultural credit institutions, whether private or cooperative, especially organized for making long-time loans to farmers on the security of their lands. Such banks have existed for many years in Germany, France and other European nations and have been found of incalculable value to the people of those countries. We should also consider whether the state may not itself enter this field directly by providing for the investment of some of its trust funds in farm mortgages. This is now being done in

North Dakota, South Dakota, Iowa, Indiana, Oklahoma, Idaho, Utah and Oregon—to the extent of more than \$4,000,000 in several of the states named—and there seems to be no valid reason why it cannot safely be done in Wisconsin. At the present time the state loans each year about \$200,000 of its trust funds to school districts and local municipalities at three and one-half per cent. interest. But municipalities can easily obtain money elsewhere by issuing bonds. If those that now borrow from the state could be induced to float their own loans, the portion of the trust funds thus released might be invested in farm mortgages approved by some responsible state board or if this be thought too hazardous, in the bonds of cooperative credit societies organized for the purpose of making long-time loans on the security of farm mortgages. Then there is the state life insurance fund authorized by the last legislature. Why may it not be dealt with in a similar way? If a safe, workable plan along these lines can be devised, provision should be made for the repayment of these loans in annual or semi-annual installments on the amortization plan, extending over a period of twenty or thirty years, or ever longer.

I submit these suggestions to you in the hope that some feasible method may be worked out whereby industrious, thrifty and honest farmers of small means, especially in the newer portions of the state, may in the future be better supplied with the money and credit they need for the development and improvement of their homes. It should not be ignored that the plan of loaning out the trust funds of the state on the security of farm mortgages was tried here over fifty years ago and failed dismally. But the failure appears to have been due rather to the corruption and bad management of those who then administered public affairs in Wisconsin than to any infirmity in the principle of such loans. Those were the days of the “forty thieves”. The men who then recklessly loaned the trust funds of the state to their friends on the security of worthless mortgages also appear to have directly embezzled from the state treasury. From thievery and fraud such as this not even bolts and bars protect us always—to say nothing of wise legislation or its prudent administration. Nevertheless the first requirement of any plan of this sort is the absolute safety of the public funds.

FARM TENANCY.

Closely associated with the problems just mentioned is tenant farming. During the life of the present generation there has been a marked, almost an alarming, increase in farm tenancy in all the older states of the Middle West. Hitherto it has been thought that Wisconsin was not affected by this tendency but there is reason now to believe that it has reached some of the older counties of the state. The last federal census shows that in fifteen counties in southern Wisconsin from twenty to thirty-four out of every hundred farms are operated by tenants or "renters" as they are called. The evil effects of a general system of tenant farming on the land, the tenant and the community in which he lives are too well known to need discussion. The problem is how to avoid them.

Undoubtedly one of the chief causes of an increase in the proportion of renters to proprietors among the farmers of the southern part of the state is the steadily increasing price of farm land. When the value of an average country home reaches \$10,000 or more it becomes exceedingly difficult for a hired man or renter of small means to buy a farm of his own on the terms customarily offered. Some system of long time loans should be developed to enable a capable farm laborer or renter to borrow the money he needs to establish himself as a farm owner. Cooperative land mortgage societies organized to lend money for long periods might help to solve the problem. The system of state loans suggested for use in settling the wild lands of the northern part of the state might also be used to supplement cooperative credit. Whatever may be done we should not fail to recognize that the increase in the proportion of renters among the farmers of our state is a serious menace not only to the prosperity and welfare of our rural communities but also to the efficient use of the agricultural resources upon which we are all dependent for our food supplies.

Absent Voting.

The rapid increase of transportation facilities in recent years, the steadily growing tendency to conduct business upon a large scale and hence over wide areas, lower railway fares and better

accommodations have greatly increased the amount of traveling done and the number of persons therefore who are necessarily absent from home on election day. Traveling salesmen, railway employees, mail clerks, and many others are now compelled to choose between sacrificing two days of election week from their employment or losing their votes. Many who are away from home at the beginning of the week are required to travel hundreds of miles or submit to disfranchisement. This condition of affairs has become more marked each year and should not be permitted to continue. It concerns not only a large and steadily increasing number of citizens who are entitled to vote but the state itself and the people as a whole who are interested in having every important political question determined by a majority of all who desire to vote. In consequence, numerous plans have been suggested for absent voting or balloting by mail. In Australia, Tasmania, Kansas and elsewhere some of these plans have been put in operation and have been found to work well. I most respectfully recommend the enactment of similar legislation for Wisconsin. While securing to persons necessarily absent from their homes on election day the right to cast their ballot, the law should be so drawn as to exclude the possibility of fraud or too great delay in counting the votes.

The Initiative, Referendum and Recall.

The proposed initiative, referendum and recall amendments to the Constitution are before you for final passage before submission to the people for their approval. The ideas embodied in them are no longer new. In their present form they are, I believe, the best resolutions upon these subjects adopted by any state legislature. All parties are pledged to the constitutional changes they propose. I therefore recommend that they be passed at this session without unnecessary delay. Other suggestions for constitutional amendment are also before you and will undoubtedly receive your careful consideration.

Fire Insurance.

There is a widespread feeling that fire insurance rates are too high and that the burden of maintaining them is inequitably distributed. Charges of discrimination against the small dwelling house owner and in favor of wealthy and prosperous establishments have been made. To ascertain the facts in this regard the last legislature appointed a special committee of its members to investigate the subject. This committee has been at work ever since. Its conclusions and recommendations will soon be laid before you.

The Capitol.

That very satisfactory progress has been made in the construction of the capitol is apparent to all. It calls therefore for no extended discussion. The work has been carried on almost as rapidly as available funds would permit and fully as fast as was originally planned. In view of what has already been done no one longer doubts that when the structure is complete Wisconsin will have one of the finest public buildings in America.

Education.

THE COUNTRY SCHOOL.

Education is one of the principal functions of government. That the people of Wisconsin are not indifferent to the claims it has upon them is strikingly shown by the fact that more than half the expenses of the state is incurred on this account.

In 1910 there were 780,181 children of school age in this state, nearly equally divided between city and country. Of those between seven and fourteen years of age in the country twenty per cent. attended no school whatever while only about two per cent. absented themselves in the cities. This is but one fact out of many that might be adduced to show that the country school is inferior to the more highly organized city educational system.

Since the adjournment of the last legislature various committees and boards have been active in the investigation of rural school problems with the view of making recommendations for enriching the courses of study, vitalizing the instruction and securing better results.

In November 1911 the Board of Public Affairs invited the Training School for Public Service of the Bureau of Municipal Research of New York City to conduct an investigation of the country schools of Wisconsin. In response to this invitation and at a very trifling expense to the state this investigation has been made. It included a general examination of educational conditions in twenty-seven counties in widely separated portions of the state and a more detailed examination of the facts concerning 131 schools in thirteen counties. The report presents a vivid picture of all phases of rural school life: fiscal, educational and sanitary. It is a vigorous, unbiased statement of the facts as the experts of the Training School saw them, in clear, untechnical language. The recommendations given at the end of the report represent also the judgment of leading Wisconsin educators and the members of the Board of Public Affairs. I most respectfully recommend this report to your careful study and consideration. Those who made it are now engaged in a similar survey of conditions in the normal schools and high schools of the state.

In my message to the legislature two years ago, speaking of the public schools, I said:

“The common schools are now the weakest part of the entire system. Country schools, especially, have not kept pace with city schools. The country schools need better attendance, better instruction and better supervision.”

The report of these experts corroborates these conclusions on almost every page. There is evidence of financial irregularities on the part of school directors, personal bias in the selection of teachers, certification for political reasons, the maintenance of small schools inefficiently managed and an almost total want of proper supervision. To remedy these evils a larger unit of administration is recommended which will make possible the professional county superintendent, professionally trained and selected teachers, more varied and richer courses

of study, larger attendance and in general the adaptation of all the forward steps of modern education to the rural schools.

I am personally well satisfied that no greater service can be rendered the cause of education in Wisconsin at the present time than the establishment by law of the county board system of school administration. This is the key to the whole problem—the point at which all effective reform must begin. I realize that this is not a novel suggestion but it relates to a problem that grows more urgent every day. The rural schools must be re-organized and better provision must be made for the training of rural school teachers in agriculture and all the technical branches that should be included in the country school curriculum. The proposed substitution of an inspector of schools chosen by a county board of education to be elected by the people for the present county superintendent is the first step without which real progress along any other line is impossible. There is nothing new or revolutionary about this idea whatever; simply the adaptation to the country districts of methods of organization and management that have obtained almost universally in the cities of Wisconsin from the beginning.

VOCATIONAL TRAINING.

The legislature of 1911 realizing the need of a type of training that will more intimately connect school activities with the daily life of the people made provision to take over the Stout Industrial Institute and in the same bill created the State Board of Industrial Education. Provision was also made for local boards of education charged with the duty of establishing and fostering vocational, commercial, continuation, and evening schools. The same act provided for a deputy to the state superintendent to be known as the Assistant for Industrial Education. These laws, together with amendments relating to agricultural and domestic arts, marked a new departure in the educational policy of the state.

The efficiency of industrial education is peculiarly dependent upon the equipment of its teachers. The wisdom of adding the Stout Institute to the state's educational machinery as a practical training place for such teachers is shown by these facts: The Institute now has more students preparing to teach household arts and manual training than any other institution in America.

In about 125 cities and villages in Wisconsin one or both of these subjects are taught, and nearly 100 Stout Institute graduates are teaching in these cities and villages. Other graduates are teaching in more than one-half the states in the Union.

Very gratifying success has attended the administration of the vocational school law. Although little was done to give effect to its provisions until about six months ago, 24 cities have now organized under it with 36 schools, 127 teachers and over 10,600 pupils. Of this total enrollment more than one-half are permit children, 163 are apprentices, 4,788 attend evening classes only and 170 are all-day pupils. The total cost for the year is almost \$108,000. In the evening classes of one city the enrollment of pupils and the subjects pursued were as follows: book keeping, 31 pupils; cooking, 64; dress making, 26; electricity, 24; English for foreign born children, 31; grammar, 12; mathematics, 14; mechanical drawing, 19; millinery, 15; penmanship, 24; plain sewing, 18; shorthand, 60; telegraphy, 27; typewriting, 47; and wood work, 15. In this one school 436 pupils were instructed in the elements of 15 different subjects.

Thus this new educational idea has been splendidly vindicated upon its first trial. Even its most sanguine supporter had not dreamed of the popular welcome that awaited it. Already the demand for schools has far exceeded the appropriation made by the state to defray its share of the cost of maintaining them. For this reason you will be asked to make up this deficiency as well as to provide more generously for the next biennial period. I submit the matter to your serious consideration as a cause worthy of your united support.

Wisconsin is the first state to put into effect a comprehensive system of industrial education. What has been done here has already attracted attention throughout the nation. We should not now entertain the idea of surrendering leadership in a cause so worthy and vital to the continued economic advancement and intellectual development of our people.

UNIVERSITY EXTENSION.

Among the educational institutions of America none more frequently calls for the unstinted praise of thoughtful men who live outside our borders than the University of Wisconsin. This pre-eminence of our University is due not to its age, its size, nor the

richness of its endowment, but principally to its willingness to serve all the people of the state, especially those who have never been within its walls as resident students.

The oldest and best conception of a school is a place where the lamp of knowledge is kept ever burning—a centre of light and learning; and this conception defines the function of the University today.

The fear of “university interference with the liberties of the people” which in some quarters has taken the place of the primitive prejudice against higher education, is due entirely to a failure to recognize this function. The man who is working in the dark does not regard the bringing of light as an interference with his liberty unless he happens to be a safe blower. For honest enterprise and plain good intention, interference with liberty comes in shutting off the light, not in turning it on. Instead of interfering with freedom the University stands and through its extension division reaches out as the servant of all the people, holding aloft as its motto the inspiring greeting: “And ye shall know the truth, and the truth shall make you free.”

The recognition of this function not only refutes the criticism of the opponents of this greatest of Wisconsin’s educational institutions but supports the demand steadily to uphold this method of rendering high service to the state. During the past year 6,000 men and women in shops and stores, in factories and on farms, in various parts of the state have received instruction and have had the resources of the University brought to their aid. Two hundred communities have had the personal service of University lecturers. Three hundred and seventy-four localities have made use of the collected information upon public questions sent out by the Department of Public Discussion. One hundred and twenty-seven cities have requested advice in solving municipal problems and two hundred and sixty neighborhoods have asked for assistance and advice in district organization and social self-development. Thus the work of university extension has passed beyond the experimental stage. Its value has been abundantly demonstrated; and today the requests of individuals and of communities for their share of this service cannot in many instances be met merely because the state has not furnished sufficient funds to enable the department to keep pace with the growing demands made upon it. But they have behind them the

irresistible argument that equality of opportunity demands that not some of the individuals and some of the communities of the state may have adequate university extension service, but that this privilege should be expanded without delay so as to include every individual and all communities.

The example of Wisconsin in organizing extension work upon a broad and inclusive basis has already been followed by more than 20 state universities and was recently copied by a number of privately endowed institutions, such as Columbia and Harvard.

All departments of public education are entitled to the unstinted support of the state; but the claim is especially strong in the case of those institutions that minister most directly to the daily necessities of the people. Education must become less theoretical and more practical. It is only in this view of the functions of public education that I seek to direct your attention more especially to the country district schools, vocational and agricultural training and university extension.

Agricultural Cooperation.

The federal census of 1910 showed a substantial increase in the total population of the state. This increase however was not uniform but was due largely to a gain in the population of cities and towns. Many country districts actually lost in population and others made but slight gains. Nineteen counties, mostly devoted to farming, declined in total population and twenty-nine in rural population. Meanwhile the city of Kenosha, largely devoted to manufacturing, doubled in numbers and the city of Milwaukee, the chief industrial center of Wisconsin, increased more in population than all the rural districts of the state combined. But the city-ward drift of population is not confined to Wisconsin or any particular section of the country. It is nation-wide and is due to numerous and complex causes. Some of these represent social progress but others indicate the existence of serious defects in the economic and social conditions of country life.

So far as it is within our power therefore, steps should be taken to aid people who live in the country to improve their business methods, their systems of marketing and their credit facilities—in short, their general economic and social condition.

The legislature of 1911 took this matter up in a very commendable way. It created the State Board of Public Affairs and directed it to make an investigation of coöperation and marketing. This work has been done. Among other things it covers coöperative buying and selling and coöperative credit.

Coöperative marketing is not new in Wisconsin. Its history is part of the industrial history of the state. With us it has been a group movement, not a centralized coördinate undertaking; and the success or failure of each group has depended almost entirely upon the initiative, resourcefulness and business ability of the members themselves.

Some groups studied the principle of coöperation, believed in it and worked for it. They mastered its fundamental requirements, secured good business management, ample financial support, and installed complete systems of accounts. The coöperative dairy factory or warehouse was their own—a thing to be watched and guarded with jealous care.

Other groups attempted coöperation and failed because of ignorance of fundamental principles, poor business judgment, inadequate accounting systems, jealousy and petty strife. There was no central body to aid or advise them at the critical time of organization or at any other difficult point along the path. Each society went its own way serenely and its success or failure depended almost entirely upon the business ability and resourcefulness of its individual members.

After a study of the movement abroad, we know that coöperation has been a powerful factor in the progress and development of every country in Europe where it has been tried. By means of it a large part of Denmark was slowly but gradually changed from a land of barren sand dunes to one of the most productive countries in the world. Ireland was a place of misery, poverty and despair but largely through coöperation it is now being slowly but surely transformed into a land of contentment and plenty.

Economic pressure in Europe forced men to unite, to master the fundamental principles of mutual helpfulness and to adopt sound business and accounting methods. European countries now teach coöperation to the children in the schools, instruct the grown-up farmers in its principles and methods and in fact extend a helping hand wherever possible.

The success of agricultural coöperation in Wisconsin has not been so marked as in Europe. But this state has stood well to

the front in this great new movement. Its coöperative cheese factories and creameries are numerous and successful. Its fruit growers' associations are sources of pride and profit. All of its coöperative undertakings promise well.

Two steps were necessary before coöperative associations could be established on a firm foundation in this state. The first was to pass a law providing for the organization and management of coöperative societies. The second is to educate and assist all persons interested in the subject in the methods to be pursued and the dangers to be avoided.

The first step was taken by the legislature of 1911 and the results already secured under this law mark it as one of the wisest and most beneficial of the session. The investigations made by the State Board of Public Affairs prove conclusively that the next step is just as important. Many coöperative societies sorely need the instruction and assistance of a conservative and practical central organization, and all could benefit by it. Such a system has proved of invaluable assistance to the coöperative societies of Europe. I strongly urge therefore that some provision for this be now made.

MARKETING OF AGRICULTURAL PRODUCTS.

In the past much stress has been laid upon more and better farm products, more and better live stock, pure bred seeds and selected grain. Well and good; the more progress along these lines the better. But what about improved methods of marketing these products? Shall the farmer continue to sell his potatoes for thirty cents a bushel while the consumer pays a dollar, although it costs only five cents to transport them to market? The same central organization that has charge of instruction along other lines of coöperation should also be asked to investigate how to secure improved methods of marketing farm products. In this way may the farmer secure better prices and the cost of living be materially reduced to the consumer. Our present wasteful system of distribution levies a heavy toll on both.

At the suggestion of the Board of Public Affairs the College of Agriculture of the University of Wisconsin recently established a professorship of agricultural cooperation. The incumbent of this chair will not only instruct his students in the principles of cooperation but will interest himself in the proper

organization of cooperative societies and the administration of their affairs. As the cooperative movement spreads it may become advisable to provide additional assistants in this department to aid farmers in properly marketing their crops.

COOPERATIVE RURAL CREDIT.

Perhaps no movement affecting agricultural interests in the last quarter of a century has been so popular or world-wide as that for the establishment of rural credit societies. The International Institute of Agriculture, associations of state bankers, state and national political parties, the Southern Commercial Congress, the Federal Government, the Governors' Conference, and the Wisconsin State Board of Public Affairs have each in its own way given this problem consideration.

There is real need for agricultural cooperative credit. The farmer often finds it difficult to secure a loan to tide over the period between seed time and harvest, to buy stock and machinery or to make permanent improvements upon his land. It is even more difficult for him to buy and pay for a farm, especially in the thickly settled sections of the state. Indeed this task is so hard as to discourage many and drive them to other states where land is cheaper or to other occupations where more immediate if less substantial rewards are offered for their labor.

At the present time the average farmer is denied the credit advantages enjoyed by the merchant or manufacturer, even though he be equally honest, equally trustworthy and equally able to meet his financial obligations. His credit moreover is always an individual matter. Until recently the collective credit of a group of farmers had not been thought of in America, and even now it is employed only to a limited extent in one or two states.

In Europe this problem is solved by a system of rural banks. First there are the Raiffeisen banks established about sixty years ago to extend personal credit to farmers; then there is the Schulze-Delitzsch system which is urban as well as rural in its banking operations; and finally there are land credit societies known as *Landschaften* that loan money on real estate mortgages extending for a long period of years to be paid back on the amortization plan. Undoubtedly agricultural interests

in Wisconsin would be promoted by the establishment of similar banking facilities here. But agricultural values have never been standardized in Wisconsin or reduced to liquid form so as to pass current in financial centres and so supply the farmers with the credit they need. Nor are our people accustomed to the methods of cooperation, entire familiarity with which is necessary to the successful execution of any of these plans. It will be the part of wisdom therefore to proceed cautiously, preceding organization by investigation and education along cooperative lines. Under the auspices of the Southern Commercial Congress and the International Institute of Agriculture a delegation made up of two representatives from each state in the Union will go abroad in April of this year to study the operation of rural banks and cooperative agricultural credit societies in Europe. Wisconsin has been invited to send representatives. Believing as I do that agricultural cooperation is one of the big things of the future, too large and significant to be ditched by its short-sighted friends and destroyed by its own momentum, I recommend the appropriation of a sufficient sum of money to defray the expenses of two delegates from this state, as requested by those who have the matter in charge. Upon their return these delegates should report either to the Board of Public Affairs or to the legislature at its next session, submitting their findings and recommendations. Meanwhile I believe we have sufficient information to enable us to make a beginning in the organization of land mortgage banks to be operated along lines similar to those of the German *Landschaften*. These associations should be under the supervision and control of the state banking department and their powers should be carefully limited to what is necessary to accomplish the purposes here mentioned.

COOPERATIVE LAND COLONIES.

The State Board of Public Affairs has under consideration a plan for the settlement of wild lands by a cooperative colony. This plan contemplates the purchase of land by an association at wholesale prices, its sale to individual members of the association at current retail prices and the conversion of the profits accruing therefrom into a community fund to be controlled and used by the members of the colony for the establishment of co-

operative creameries, cheese factories and warehouses, the construction of roads and the purchase of farm machinery too expensive to be bought and owned by individuals. As worked out by its author, this plan involves the supervision of the work of the association and the audit of their accounts by some responsible state agency. While this idea is new, I bespeak for it your careful consideration to the end that the necessary steps may be taken to provide the state supervision and auditing requested in the event that it should mature into a practical and feasible project.

THE COST OF LIVING.

Possibly the most important, certainly the most difficult, subject submitted by the last legislature to the Board of Public Affairs for its consideration was the cost of living. A number of the questions already discussed bear more or less directly upon it and the proper solution of them will serve to solve it also. But this subject was also taken up separately by the Board. Under its direction an exhaustive investigation of the marketing of cheese was made by Professor Taylor of the College of Agriculture. The results of his inquiries are now being printed in the form of a pamphlet and will soon be ready for distribution. He has attempted to trace this particular product from the farmer's pasture in Wisconsin to the dinner tables of the business man in New York City, the day laborer in Texas, and the miner in Montana, noting each increment of price as it was added. The facts disclosed by this inquiry are extremely interesting and invite your serious consideration. Similar investigations of the marketing of potatoes and butter are being made.

Approaching the problem from an opposite direction an investigation of municipal markets and cooperative stores was made. The results of these studies have been printed in pamphlet form and are now being distributed.

Price Discrimination.

Equality of opportunity in industry and trade is a sound American ideal; but like all ideals it is not easily attained. Here and elsewhere in recent years unfair methods have been

systematically employed by powerful organizations of capital to break down the business of small dealers. A favorite practice is to sell commodities below cost in localities where the market is shared with others, for the purpose of driving them out, and at the same time recoup the loss by putting up the price of the same goods in other localities where there is no competition. In buying precisely the same object is attained by reversing the process. Commercial war of this sort is indefensible. Small business concerns whether they be owned by individuals of limited means or by cooperative societies should be protected against tactics of this sort; for it must be perfectly clear to all that the result of such procedure if not checked is to stifle competition. Business conducted upon a moderate scale cannot long survive such onslaughts; and when it has been driven from the field the public in turn will become the ready prey of monopoly.

Complaints of this sort of overbidding and underselling, resorted to for the purpose of destroying the business of competitors, have come to me from farmers' warehouses, cooperative elevators and cheese factories, and live stock shippers' associations. Other states, including Arkansas, Iowa, Kansas, Massachusetts, North Carolina, North Dakota, South Dakota, Oklahoma and South Carolina, by the passage of so called "anti price discrimination" statutes have apparently solved this problem within their respective borders. I recommend the enactment of a law at this session that will effectively put an end to all such practices in Wisconsin.

State Accounting.

PRESENT SYSTEM.

The accounting system now in use in this state is the result of many years of more or less haphazard and unscientific development. This implies no reflection upon those who devised it. When there were but few boards and departments exercising extensive administrative functions there was less necessity for the adoption of business methods in administration. Simple records of cash receipts and cash disbursements were deemed sufficient. But with the growth of the state and the addition of entirely new functions it has come to be recognized that the

most efficient administration of public affairs can only be secured by the adoption of modern business methods. The accounting system should register every material fact relative to the cost of state activities. The records now kept do not furnish this information.

The present system does not show the actual cost of government for any given period. Expenses incurred and supplies purchased are not recorded as costs of operation until the actual cash disbursements are made. The books of account do not disclose fluctuations in inventories of materials and supplies carried in stock for current use; nor is consideration given to the important question of depreciation. No distinction is now made between the cost of carrying on the various activities of state and the disbursements made for the purpose of acquiring additional property of a permanent nature. Under these circumstances it is extremely difficult for the legislature to determine upon any policy of expenditure for the acquisition of new property. The records of the state do not contain an inventory of the lands, buildings and other property owned by the state, or of accounts disclosing their value or cost. State revenues are inadequately recorded; and no track whatever is kept of the acknowledged liabilities of the state.

It would of course be unfair to imply that this system, consisting merely of cash receipts and cash disbursements, is in use only in Wisconsin. Every state in the Union follows practically the same methods. The question of the adoption of modern accounting principles is receiving the attention of state officials everywhere.

NEW SYSTEMS OF ACCOUNTS.

It has remained however for Wisconsin to take the lead in this reform. The law creating the Board of Public Affairs provided that it should work out a new and comprehensive system of accounts for the state. This work is now being done. Uniform classifications of accounts have been prepared for every department and institution. Numerous forms common to all departments have been designed and complete departmental schedules and instructions for accounting and business procedure have been prepared for several of the state departments. The new system will remedy all of the shortcomings of the pre-

sent plan and will standardize the accounting methods of the various departments and institutions. It will not only enforce the keeping of uniform accounts of revenues and expenditures, but will at all times exhibit the resources and liabilities of the state.

The plans designed by the accountants of the Board of Public Affairs proved to be such a fundamental departure from former methods that it was thought desirable before approving and recommending them to invite the criticisms and suggestions of recognized authorities on the subject. The Board therefore called into conference Dr. Frederic A. Cleveland, Chairman of the President's Commission on Economy and Efficiency, and Mr. Edward L. Suffern of New York City, President of the American Association of Public Accountants. After careful and thorough consideration these men gave the proposed accounting system their unqualified approval.

Under the constitution the Secretary of State is *ex officio* auditor. It is his duty to pass upon every financial transaction of the state. It follows therefore that upon the management and organization of the department of state will depend the success of accurate financial accounting in all branches of the state government. The systems of accounts provided for the various departments and institutions are subordinate to the central controlling system in the department of state. It is therefore apparent that the central system in the office of the secretary must be reconstructed so as to provide for such central control. Unless this is done there will not be that close watch over the state's revenues and expenditures that wise management requires.

The new system of accounts when installed in all departments will not only operate to secure greater efficiency but should bring about economies as well. If the plan proposed for the office of the secretary of state be promptly adopted it will be possible for this office to keep satisfactory detail accounts for many of the capitol departments. Monthly reports from the department of state will furnish all necessary information to these departments. This will involve additional work in the department of state and a corresponding increase in the number of employees, but will also mean a much greater reduction in the number of employees now required to maintain in-

dividual bookkeeping systems in the various capitol departments.

The constructive accounting work so ably begun by the Board of Public Affairs has required careful preparation, and the installation and development of the systems in the various departments and institutions will extend over a considerable period of time. It is highly desirable that suitable provision be made for carrying on this work. When it is completed Wisconsin will have a business organization comparable to that of the best private corporations and will have established a system of cost accounts that will furnish the data for a scientific budget to be submitted at the opening of each session of the legislature. Beyond question these changes will result in economies and increased efficiency greatly in excess of the cost of installation and development. It is interesting to note that other states are already looking to Wisconsin for advice and direction in this matter.

Budget.

For the first time in the history of the state the legislature has before it at the beginning of its session a complete budget of all state departments showing in classified detail the expenditures for three preceding years, an estimate for the current fiscal year, and requested appropriations for the next two years.

There is submitted in addition a digest of the appropriation laws affecting the various departments and institutions.

The budget is also accompanied by schedules for each department showing the number of employees, their salaries, and the changes recommended.

This exhibit has been made possible by the provision in the law creating the Board of Public Affairs and requiring departments to submit their estimates to this Board a month before the legislature convenes. This budget is not, of course, as complete or as accurate as will be possible in the future for the reason that there has been in the past no uniform system of accounting and no uniformity in classification of accounts.

Finance.

During the fiscal year 1912 general property taxes amounting to \$32,610,000 were raised within the state. Of this amount \$28,871,000, or 89% were levied by county and local units, and \$3,739,000, or 11%, by the state. Of the latter amount only \$1,151,000, or 3%, were levied for state purposes. The remainder was levied and collected by the state, but was immediately returned to the school districts, towns and counties. Not one penny collected from the people in the form of general property taxes was used for general governmental purposes. It was all either returned to the local subdivisions or was spent for education and highways.

The total per capita general property tax levied within the state for 1912 was \$13.64. Of this amount \$12.08 was levied by the counties and local units, and \$1.56 by the state. Of this latter sum only 48 cents were for purely state purposes. The remainder was levied by the state but was immediately returned to the local subdivisions.

The state government therefore is not supported to any considerable extent by general taxation. Its revenues come from other sources. For 1912, the corporation taxes amounted to \$4,546,000, or 41% of the total revenue receipts of the state. Of this amount the railroads contributed \$3,594,000, the Insurance Companies \$715,000, and other corporations \$237,000. The inheritance tax yielded \$783,000, or 7% of the total state revenue; departmental earnings and fees, \$1,147,000, or 10%; licenses, \$528,000, or 5%; charges for charitable and penal institutions \$252,000, or 2%; and all other sources \$135,000 or 1%, making a total of \$11,130,000.

The total net state disbursements for the fiscal year ending June 30th, 1912, were \$10,580,000. This was for both state and local purposes. The chief items, other than the general governmental disbursements were as follows: for the support of public schools \$2,306,000; for the University, \$2,190,000; for the maintenance of penal and charitable institutions, \$1,697,000; and for the construction of the state capitol, \$790,000.

The condition of the public treasury during the past two years has been highly satisfactory. The balance in the general fund, on June 30, 1912, was \$2,032,143.19. Two years before,

this fund showed a balance of only \$798,067.91. This accumulation of public money accrued moreover notwithstanding the fact that the board charged with the duty remitted state taxes for the fiscal year 1912 amounting to \$940,235.00. Consequently on October 26, 1912, there was a further remission of state taxes amounting to \$1,989,216 for the fiscal year 1913. The first of these remissions included \$450,000 for the construction of the new state capitol, and \$490,235 for the support of normal schools; the second, \$450,000 for the construction of the new capitol, \$473,605 for the support of the normal schools and \$1,065,611 for the maintenance of the university. No state tax therefore will be levied for any of these purposes during the current year; instead all appropriations will be met out of revenues derived from other sources.

These remissions though suggested by the large balances on hand in the state treasury at the times they were made, have been welcome relief to tax payers. They should therefore be followed by a policy of rigid economy in the matter of legislative appropriations.

State Board of Public Affairs.

In my message two years ago I recommended the creation of the present Board of Public Affairs. It is an entirely new departure in state government. Composed of four ex officio and three appointive members, one each to represent agriculture, labor and manufacturing, it combines departments of government and economic interests never before brought so closely together. The legislature specifically referred to it for solution several of the most important and urgent problems confronting the people of Wisconsin. In addition, it was given far-reaching powers of inquiry into the affairs of many of the administrative departments with a view to their reorganization so as to secure greater economy and efficiency and of research and investigation into problems of general economic and social betterment.

From my references in this message to what it has been doing you have undoubtedly gathered some idea of the scope of its work. It has investigated the public school system, agricultural coöperation in all its forms, the efficiency of the several departments of state government, the question of immigration and set-

tlement, state finances, prison labor, and public printing. Comprehensive audits are being made of the principal state departments and institutions, a state budget has been prepared and a modern accrual system of accounting has been devised. The results of some of the work done under its direction have already been published in pamphlet form. Other reports are now being printed and will soon be ready for distribution. Some of the investigations were exhaustive and complete, while others were of a tentative and preliminary nature. Though the members serve without pay they have given the work of the board a great deal of time and attention.

In recent years it has been the practice to refer important questions to committees of the legislature for investigation between sessions. This was better than to leave all the work to be done after the legislature met; but the frequent changes in membership here made this an unsatisfactory and expensive device. By the creation of the Board of Public Affairs the legislature of 1911 adopted a new policy. Instead of half a dozen separate committees for as many legislative problems this board now considers them all. The new arrangement gives a better sense of proportion and permits each question to be considered in proper relation to all the others, thus saving both time and money.

The work of the Board has only fairly begun; but it is already apparent to every member of it as it must be to all who have kept track of its work that if our state is to remain a leader in the movement for constructive reform legislation and its proper enforcement, some such organization as this must be continued as a permanent body. We cannot afford to ignore the political experience of others or the necessity of basing our laws upon fundamentally correct principles. This means close, exhaustive investigation and research. The members of the legislature and the executive ordinarily have not the time to spend in this way. Too many other matters distract their attention. As a result there is constant danger of mistakes, legislative temporizing, and administrative failure. To avoid these consequences there should be a permanent organization provided with sufficient funds to make preliminary surveys of new conditions and to gather the necessary data upon which wise legislation should proceed. The present Board of Public Affairs meets this requirement perfectly. It has interfered with no existing officer or department of government but instead brings all officers and de-

partments into helpful coöperation for the improvement of administration and for thoughtful inquiry concerning the economic and social betterment of the people. As an institution of government it is original and unique. Impressed as I am with the high value of the service it has already rendered and fully convinced that still better results are possible in the future, I respectfully recommend that it be made permanent.

Conclusion.

Wisconsin is prosperous. Never before in all our history were living conditions easier. This conclusion is established by the balances in our banks, the output of our factories, the abundant crops of our farms, the increased wages of labor and the contentment in the hearts of all our people. Nature has been wonderfully kind to us in geographical location, climate, soil, beauty of scenery and richness of natural resources. Our people are the peers of any on earth. All the conditions are present for unexampled future growth, prosperity and high achievement. What are we in whose hands the people of Wisconsin have temporarily placed almost unlimited political power going to do with it? What response shall we make to this expression of public confidence? Not what we say but what we do here will determine our fitness for this high responsibility.

Among the sisterhood of states Wisconsin now holds an enviable place. For years she has led in the great humanitarian movement at present sweeping forward toward the goal of political freedom and social justice. In an era of partisan machines and bosses she has attained real representative government. She has settled the question of corporate control. She is now engaged in establishing genuine democracy in industry and trade. Day by day she moves steadily onward and upward. She has already achieved a veritable political emancipation, yet no one was injured or outlawed. There is now in progress a program of social reorganization upon broad and enduring foundations, yet no one has been harmed. Merely the feelings of some men have been hurt and the preconceived notions of others have been jarred or upset. At this slight cost our state finds herself in the vanguard of a movement to uplift and dignify the com-

mon man that has already become not only national but world-wide in significance and scope.

This success is not the result of chance or magic. There is no necromancy about it. The whole secret lies in three relatively simple things: popular rule, scientific methods of legislation, and centralized administration. These three requirements tell the whole story. They harmonize the divergent political philosophies of Hamilton and Jefferson, rejecting the error in each, and holding fast to that which is good in both. Never before have the people of Wisconsin been in such absolute control of government as they are now. This is democracy. No important law has recently been passed that was not the product of the most exhaustive research. In each case the fundamentally correct economic or social principle that should underlie the proposed legislation was first discovered. Then the experience of every other community that had ever dealt with the subject was studied. Finally, necessary administrative machinery to make the controlling principle effective in practice was carefully provided. This is scientific lawmaking. Last but not least it was recognized that centralization of authority and responsibility is the one indispensable condition of efficiency in administration. Hence our expert commissions and boards. Without them our rightly vaunted progressive legislation might as well never have been enacted. This is governmental efficiency.

How can it be said that there is any want of harmony among these three things: popular rule to determine the proper objects of governmental action, the scientific spirit in legislation so this purpose may be expressed adequately and in intelligible form, and efficiency in administration to the end that the popular will may not be defeated? There is none. On the contrary fundamental democracy as a form of government will be short-lived indeed unless it proves practically effective as well as truly representative. If it is worth while fighting desperately to control the machinery of government in the interest of all, as we believe it is, it certainly is worth while to equip it on the very highest plane of administrative efficiency.

I have abiding confidence in the cause of popular rule. It seeks the attainment only of a larger measure of freedom and justice for all men and is destined therefore to grow in favor day by day. All history is but a testimonial to its irresistible progress. Its hold upon the imagination of the average man is

stronger now than ever before and it now more unmistakably sways the future. Everywhere special privilege and boss control are going the way of despotism in China and tyranny in the Balkan peninsula. Let us rejoice that this is so. Let us gladly look forward to the opportunity afforded us during the next two years for strengthening this tendency here at home, through disinterested, patriotic labor in the service of the state.

FRANCIS E. MCGOVERN,
Governor.

Madison, Wis.,
January 4th, 1913.

The senate retired and returned to the senate chamber.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in
Jt. Res. No. 2, S.

And has adopted, and asks concurrence in,
Jt. Res. No. 1, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 1, A.,
Was concurred in.

Senator Browne moved that the president appoint three Senators as a temporary committee on Rules.

Motion prevailed.

The president appointed as this committee, Senators Browne, Randolph and Bosshard.

RECEPTION OF BILLS FOR REVISION.

Senator Browne offered one bill which was referred to the committee on Revision.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Hoyt, after this session, for all of next week.

ADJOURNMENT.

Upon motion of Senator Bosshard,

The senate adjourned until Monday, January 13, 1913, at 7:30 o'clock p. m.

MONDAY, JANUARY 13, 1913.
7:30 O'CLOCK P. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Vernon S. Phillips.

Upon motion of Senator Randolph,

The calling of the roll was dispensed with.

The journal of Thursday, January 9, 1913, was approved.

BILLS FOR REVISION.

Senator Burke offered three bills, which were referred to the committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. **1, S.**, (Revision No. 1). By Senator Burke. To committee on State Affairs.

ADJOURNMENT.

Upon motion of Senator Randolph,

The senate adjourned until 10:00 o'clock a. m. tomorrow.

TUESDAY, JANUARY 14, 1913.

10 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Vernon S. Phillips.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Huber, Kellogg, Kileen, Monk, Perry, Randolph, Scott, Skogmo, Snover, Tomkins, True, White, and Zophy—20.

Absent—Senators Browne, Burke, Culbertson, Husting, Linley, Martin A. E., Martin H. C., Richards, Stevens, Teasdale, Weigle, and Weissleder—12.

Absent with leave—Senator Hoyt—1.

The journal of yesterday was approved.

LEAVE OF ABSENCE.

Upon request of Senator Randolph,

Leave of absence was granted to Senator Husting for this session.

ADJOURNMENT.

Upon motion of Senator Bosshard,

The senate adjourned until 10:00 o'clock a. m. tomorrow.

5—S. J.

WEDNESDAY, JANUARY 15, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Vernon S. Phillips.

The roll was called and the following senators answered to their names:

Senators Albers, Bichler, Bosshard, Browne, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—24.

Absent—Senators Ackley, Bishop, Burke, Husting, Linley, Martin H. C., Richards, and Weissleder—8.

Absent with leave—Senator Hoyt—1.

LEAVE OF ABSENCE.

Upon motion of Senator Scott,

Leave of absence was granted to Senator Bishop for the remainder of this week, and to all absent Senators for the remainder of this session.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator Kileen offered one bill, which was referred to the committee on Revision.

COMMITTEE REPORT.

The committee on Assignment of Rooms and Furnishing beg leave to submit a partial report at this time:

Joint committee on Finance, Rooms Nos. 334, 335 and 337.

Committee on Judiciary, Rooms Nos. 329, 331 and 332.

Committee on Corporations, Rooms Nos. 319, 323 and 325.

Committee on Education and Public Welfare, Room Nos. 315, 316 and 318.

Committee on State Affairs, Rooms Nos. 310, 312 and 314.

GEO. E. SCOTT,

Chairman;

S. W. RANDOLPH,

E. E. BROWNE,

Report adopted.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Office.

To the Honorable, the Senate:

Pursuant to the statute governing, I hereby nominate and by and with the advice and consent of the senate appoint

Lewis A. Anderson, of Madison, Wisconsin, to be commissioner of insurance, for the balance of the unexpired term ending on the 30th day of June, 1915, vice Herman L. Ekern, removed.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

January 15, 1913.

Laid over under the rules.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7.30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

LEAVE OF ABSENCE.

Upon request of Senator Huber,

Leave of absence was granted to Senator Skogmo for this session and the remainder of this week.

Upon request of Senator Zophy,

Leave of absence was granted to Senator Weigle until Wednesday, January 22, 1913.

Upon request of Senator Ackley,

Leave of absence was granted to Senator Tomkins for this session and the remainder of this week, and for himself for the remainder of this week.

Upon request of Senator Scott,

Leave of absence was granted to Senator H. E. Martin, for this session and the remainder of this week.

Upon request of Senator Randolph,

Leave of absence was granted to Senator Husting for this session and the remainder of this week.

JOINT RESOLUTIONS FOR REVISION.

Senator Ackley offered one joint resolution, which was referred to the committee on Revision.

RESOLUTION INTRODUCED.

Res. No. 4, S.,

Relating to furnishing suitable and appropriate badges for the sergeant-at-arms, his assistant, the policemen, and messengers of the senate.

Resolved by the senate, That the superintendent of public property furnish suitable and appropriate badges for the sergeant-at-arms, his assistant, the policemen, and messengers of the senate.

By Senator Scott.

Adopted.

ADJOURNMENT.

Upon motion of Senator Bosshard,

The senate adjourned until 9:30 a. m. tomorrow.

THURSDAY, JANUARY 16, 1913.
10:00 O'CLOCK A. M.

The Senate met.

The president in the chair.

Prayer was offered by the Rev. Vernon S. Phillips.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator True offered two bills, which were referred to the committee on Revision.

COMMITTEE REPORT.

The special committee on Rules report and recommend the adoption of the resolution offered herewith:

Res. No. 5, S.,

E. E. BROWNE,
Chairman.

Res. No. 5, S.,

Resolved by the Senate, That the rules of the Senate, adopted at the session of 1911, shall be the rules of the Senate for the regular session of 1913 with the following amendments,

references to lines being as the rules appear in the legislative directory for 1913 issued by the secretary of state:

By Special Committee on Rules.

Upon motion of Senator Browne.

Laid over until Wednesday, January 22, 1913.

Amend Rule 1 to read as follows:

1. **Hour for meeting.** The hour for the meeting of the Senate shall be at ~~9:30~~ 10:00 o'clock a. m. *unless a different hour shall be prescribed by resolution or motion, and the Senate shall be in session until 10:00 a. m., when adjournment or recess until 12 o'clock m., or a later hour, shall be taken.* This rule may be changed by resolution *or motion* adopted by a majority vote.

Amend Rule 3 by striking out the words "either house" where they occur in the second line thereof and insert in lieu thereof the words "the Senate."

Amend Rule 4 by striking out the word "house" where it occurs in the title and in the third line thereof and inserting in lieu thereof the word "Senate."

Amend Rule 5 to read as follows:

Who may be admitted to the floor. Persons of the following classes, and no others, shall be admitted to that portion of the floor of the ~~two houses~~ Senate reserved to the members during the session thereof, viz.: the governor, lieutenant governor, members of the legislature, state officers, regents of the university, regents of the normal schools, members of congress, judges of the supreme court and other courts, and ex-members of the legislature, ~~not~~ *And none of the above shall have the privilege of the floor who are registered as lobbyists or engaged in defeating or promoting any pending legislation. No ex-senator or any other person who shall be directly or indirectly interested in defeating or promoting any pending legislation, whether registered as a lobbyist or not, shall have the privilege of the floor of the Senate at any time.* All editors of newspapers within the state and reporters for the press, who confine themselves to their professional duties, ~~and such other persons as the presiding officer upon the order of the house may invite.~~ *shall have the privilege of the floor of the Senate, except*

that during the sessions of the Senate such privilege shall extend only to the press lobby. The foregoing rule shall not be deemed to exclude such other persons as may be invited to seats on the floor of the Senate by a member or the presiding officer thereof.

Amend Rule 7 by striking out the words "either house" where they occur in the second line and inserting in lieu thereof the words "the Senate."

Amend Rule 12 by striking out the word "house" where it occurs in the ninth and twelfth lines thereof and inserting in lieu thereof the word "Senate."

Further amend Rule 12 by adding thereto "All points of order raised and the decisions thereon shall be entered in the journal."

Amend Rule 14 by striking out the words "in either house" where they occur in the second and third lines thereof.

Amend Rule 17 to read as follows:

Election and duties of chief clerk. A chief clerk, of the Senate ~~and assembly, respectively~~ shall be elected at the commencement of each session to hold his office at the pleasure of the body electing him. He shall superintend the recording of the journal of the proceedings; the engrossing and enrolling of bills, resolutions, etc.; shall cause to be kept and prepared for the printer the daily journal of the proceedings; ~~and in addition thereto arrange daily for the printer in the numerical order of each bill or resolution, the amendments offered thereto and all reports and action had thereon, in such manner as can most conveniently be printed on slips for a daily supplement to the weekly bulletin;~~ shall permit no records or papers belonging to the legislature to be taken out of his custody otherwise than in the regular course of business; shall report any missing papers to the notice of the presiding officer, and generally shall perform, under the direction of the presiding officer, all duties pertaining to his office as clerk, and shall be responsible for all the official acts of his assistants.

Amend Rule 19 by striking out the word "house" where it occurs in the fifth line and inserting in lieu thereof the word "Senate."

Amend Rule 20 by striking out the following: "The clerk shall provide a substantial cover for bills. Such envelopes and covers for each house shall be distinguished by the color thereof." and insert in lieu thereof the following: "The clerk shall provide a substantial back for bills. Such envelopes and backs shall be distinguished from those of the Assembly by color."

Amend Rule 21 to read as follows:

Election and duties of sergeant-at-arms. A sergeant-at-arms of the Senate ~~and assembly, respectively,~~ shall be elected at the commencement of each session to hold his office at the pleasure of the body electing him. It shall be his duty to execute all orders of the house or its presiding officer, and to perform all the duties that may be assigned to him connected with the police and good order of the body; ~~and~~ to exercise the supervision over the ingress and egress of all persons to and from the chamber, *and particularly to enforce the provisions of Rule 5 of the Senate rules relating to lobbyists and lobbying;* to see that messages, etc., are promptly executed; that the hall is properly ventilated and is open for the use of the members from 8 a. m. until 11 p. m., and to perform all other services pertaining to the office of sergeant-at-arms.

Amend Rule 23 to read as follows:

Standing committees of Senate. The following standing committees shall be elected by the Senate as near the commencement of the session as may be, namely:

On Judiciary, seven members.

On Corporations, seven members.

On Education and Public Welfare, seven members.

On State Affairs, seven members.

~~On Engrossed Bills, three members.~~

~~On Revision, three members.~~

~~On Enrolled Bills, three members.~~

Each of the above committees shall elect its own chairman.

The president pro tem. and the respective chairmen of the committees on Judiciary, on Corporations, on Education and

Public Welfare, on State Affairs, and of the joint committee on Finance, and the chairmen of such special committees of the Senate as shall be created during any session shall constitute a committee on Legislative Procedure.

Joint committee on Finance. The Senate shall elect, as soon as may be after the commencement of the session five members to the joint committee on Finance, which members shall elect a chairman of said joint committee.

Strike out Rule 24.

Amend Rule 29 to read as follows:

Business in committees; notice of meeting. All business referred to a committee shall be taken up within ~~two~~ *three* weeks, and if not at once disposed of a time shall be fixed by the committee for the final hearing thereon and a report thereof made to the ~~house~~ *Senate*. ~~The chairman of each committee shall at the end of every second week report the number of bills in his hands.~~ *At the end of each week, each committee clerk shall report to the chief clerk the state of business in his committee, which report shall be printed in the weekly bulletin provided by section 20.14 of the statute.* The day, hour, and place of hearing before any committee shall be posted on the bulletin board of each house and such notice shall specify the number, author, and title of the bill or resolution to be considered.

Strike out Rule 29a.

Strike out Rule 30.

Amend Rule 31 to read as follows:

Revision. ~~The committee on Revision~~ *chief clerk* shall report out all bills ~~from the revision room~~ by the close of the sixth week of the session unless otherwise ordered by the ~~house to which the bill belongs~~ *Senate*.

The ~~revision clerk of said committee~~, where bills submitted for ~~its consideration~~ *revision* are duplicate or identical in subject matter with other bills introduced in either house, shall make such notation in respect thereto on the corresponding bill envelopes of each house as will apprise any committee considering any such bill in either house of the bill in the other house. At the close of the sixth week of the session, the re-

revision clerk of the committee on revision shall proceed to note upon the envelope of each Senate bill the numbers of other bills in either house affecting the same section of the statutes, and, in so far as practicable, the numbers of other bills in either house, affecting the same subject matter, where such bills affect other sections of the statutes. Upon the receipt of the assembly bills in the Senate the revision clerk shall make similar notations upon these bills, if such notation has not previously been made. For the purpose of carrying out this provision, such these provisions, the revision clerk of the revision committee shall have access to the bills in the hands of each Senate committee, and shall be assisted by the respective committee clerks.

Amend Rule 33 to read as follows:

Bills to be referred to committee on revision. Amendments to be submitted to revision clerk. The chairman clerk of any committee ordering any bill reported for passage with any amendment shall submit such bill and amendment to the committee on Revision revision clerk, which who shall return the same to such chairman committee clerk, with its approval if such amendment conforms to the rules, and, if not, with its suggestions in writing, which suggestions shall be submitted to the chairman of the committee. If the suggestions of the committee on Revision are rejected in whole or in part, such action shall be noted upon the upper right hand corner of the bill envelope, and the suggestions, or so much thereof as shall have been rejected, shall be enclosed in the envelope with the bill, and the fact shall be announced by the chief clerk before the bill is ordered engrossed. Any bill not having been before said committee on Revision referred for revision which shall be ordered to a third reading shall then be so referred, to said committee. The committee on Revision revision clerk shall only suggest such amendments as do not change the scope and effect of the bill, but in a written report accompanying the bill, when returned to the committee from which it was received, attention may be called to such matters as are deemed material.

Amend Rule 34 by striking out the word "house" in the tenth line thereof on page 108 and inserting in lieu thereof the word "Senate."

Amend Rule 35 by striking out the word "house" in the fourth line thereof and inserting in lieu thereof the word "Senate."

Amend Rule 36 by striking out the word "house" in the fourth line and inserting in lieu thereof the word "Senate."

Amend Rule 37 by inserting at the end of the first paragraph thereof the words: "*Unless otherwise ordered an unfinished calendar of a preceding day shall be first in order as the unfinished business of the Senate.*"

Further amend by striking out the word "house" where it occurs in lines five, on page 108, and six, on page 109, and the word "legislature" in line 10 on page 109, and inserting in lieu thereof the word "Senate" in each case.

Amend Rule 38 to read:

Engrossing bills; committee. Each bill ordered engrossed and read a third time shall be, under the direction of the engrossing clerk, carefully typewritten, with all amendments adopted to the original bill reduced into the text, placed in a new envelope, upon which the ~~chief clerk's~~ endorsements on the original envelope shall be carefully engrossed, and, with the original, shall be delivered ~~by the engrossing clerk to the committee on engrossed bills, whose duty it shall be to carefully compare the engrossed bill and envelope with the original bill and envelope, and when correctly engrossed, to so report to the chief clerk, who shall report it correctly engrossed~~ to the Senate. The original shall then be filed by the chief clerk and the engrossed bill shall thereafter be considered as the original. If it shall be subsequently found, however, that mistake has been made in engrossing the bill, the chief clerk shall have the power under Rule 18 to correct such error in engrossing. A bill which shall be "ordered engrossed and read a third time" without any amendment thereto having been adopted, shall not be engrossed, but shall be placed upon the next calendar under the order "*Bills Ready for Third Reading;*" and when a bill which shall have been amended only by a substitute adopted without amendment shall be "ordered engrossed and read a third time" the original substitute in an engrossed envelope shall be the engrossed bill.

Amend Rule 39 by striking out the last two lines thereof, and by striking out the word "house" where it occurs in lines 14 and 18, and inserting in lieu thereof the word "Senate."

Amend Rule 40 by striking out the word "house" in the last line and inserting in lieu thereof the word "Senate."

Amend Rule 41 by striking out the words "both houses" in the second line, and inserting in lieu thereof the words "the Senate."

Amend Rule 42 by striking out the words "either house" in line three and inserting in lieu thereof the words "the Senate."

Amend Rule 43:

43 Offering of resolutions. Resolutions privileged by Rule 92a shall be sent to the clerk's desk and there read by the clerk and when so read shall be considered to be before the ~~house~~ *Senate but unless privileged shall not be acted on the same day on which they were offered.*

Amend Rule 44 by striking out in lines four and five the words "filed with the committee on Revision" and inserting in lieu thereof "offered for revision" and by adding at the end of the second line the following: and resolutions not privileged by Rule 92a.

Amend Rule 44 l to read as follows:

~~A member of any committee desiring~~ *If a member or committee desires* to introduce a bill after the close of the fifth week of the session, ~~shall send such bill to the clerk's desk, and the same shall be submitted to the committee on Revision, and upon its approval such bill shall, before its introduction,~~ be referred to the committee on Legislative Procedure of the ~~house where such bill originates, Senate,~~ which shall, within forty-eight hours, report thereon, recommending that the bill be received and read the first and second time or that it be rejected. Such report shall stand as the action of the ~~house~~ *Senate* unless the ~~house~~ *Senate* on motion shall order otherwise.

Amend Rule 44m by striking out the second sentence, reading: "Four copies of this preface shall be printed on bond paper, and one of such copies shall be filed in a portfolio to be furnished by the superintendent of public property, and shall be the official bulletin of titles to be kept by the chief clerk as a preface to his record books;" also by striking out the word "house" in line 19, and the words "other house" in line 20, and inserting in lieu thereof the words "Senate" and "assembly," respectively.

Strike out Rule 44t.

Amend Rule 44v to read as follows:

~~Calendar to be printed in weekly bulletin of committee hearings.~~ The chairman of each ~~standing~~ Senate committee shall, on or before Friday noon of each week file with the chief clerk his several daily calendars for the following week. Such calendars shall be printed in full in the joint weekly hearing bulletin, and also in the weekly bulletin of proceedings provided for in section 20.14 of the statutes. The clerk shall also include ~~therein~~ in the bulletin of proceedings a notice ~~under the number of~~ after the annotations on each bill, specifying the name of the committee, the date, and the hour of the hearing.

Amend Rule 45 to read:

~~Bills first examined by committee on~~ offered for revision. Before introduction, bills and resolutions not privileged by Rule 92a shall be offered for revision. Every bill offered shall be recorded by the chief clerk by a temporary number which shall be known as a revision number, and be delivered by the clerk to the ~~committee on Revision,~~ revision clerk, who shall return the same, if in proper form, marked O. K. with a conspicuous rubber stamp and signature of the ~~chairman~~ revision clerk, within forty-eight hours, Sundays and days of adjournment excepted. When such bill is thus returned to the clerk, it shall be read the first and second times and referred. Any recommendations of the ~~committee on Revision~~ revision clerk upon any bills delivered to ~~them~~ him by the chief clerk under this rule shall be transmitted to the chief clerk within the same period of time, in a written report, and

the clerk shall immediately deliver such bill and report to the member who submitted the bill. The member may, in his discretion, accept or refuse such recommendations and may then offer the bill for first and second readings. ~~Reports of the committee on Revision upon a bill prior to the first and second readings need not be entered in the journal.~~

Strike out Rule 46.

Amend Rule 50 by striking out in the second line on page 122 the word "standing;" and by striking out the word "house" in the fourth line on page 122 and inserting in lieu thereof the word "Senate."

Amend Rule 50m by striking out in the next to the last line the words "be concurred in," and inserting in lieu thereof with quotations the words "Shall the bill be concurred in."

Amend Rule 51 to read:

Printed bill, etc., to be on file one day before action. All bills, resolutions and memorials, and substitute amendments thereto, that shall be printed, shall remain at least one day on the files, after being printed, before being considered, provided that this rule shall not affect any bill, resolution, or memorial, which is ~~privileged to be considered at once.~~ *has privilege by the rules of immediate consideration.* If the rules be suspended for the consideration of any bill, resolution, or memorial, before such bill, resolution or memorial has been printed, the same shall be read at length at least once before the final passage, and this rule shall not be suspended without the unanimous consent of the ~~house~~ Senate.

Amend Rule 52 by striking out the word "house" in the last line and inserting in lieu thereof the word "Senate."

Strike out Rule 53.

Amend Rule 54 by striking out the word "house" in the third line and inserting in lieu thereof the word "Senate."

Amend Rule 57 by striking out the word "house" in the fourth and ninth lines, and inserting in lieu thereof the word "Senate" in each case.

Amend Rule 58 by striking out the word "house" in the third and fifth lines and inserting in lieu thereof the word "Senate" in each case.

Amend Rule 60 by inserting the word "it" between the words "and" and "may" where they occur in the fourth line, and by striking out the word "house" in the last line and inserting in lieu thereof the word "Senate."

Amend Rule 62 to read as follows:

What questions be to decided without debate. A motion to adjourn, to take a recess, *to or* lay on the table, or *to take from the table*, and a call for the previous question, shall be decided without debate. And all incidental questions of order, arising after a motion is made for either of the questions named in this rule, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Amend Rule 64 by striking out the word "house" in the next to the last line and inserting in lieu thereof the word "Senate."

Amend Rule 67 by striking out the word "house" in the fourth and sixth lines and inserting in lieu thereof the word "Senate" in each case.

Amend Rule 68 by striking out the word "house" in the seventh line and inserting in lieu thereof the word "Senate."

Strike out Rule 69.

Amend Rule 71 by striking out the word "house" in the seventh line, and inserting in lieu thereof the word "Senate."

Amend the caption on page 128 by striking out the word "house" and inserting in lieu thereof the word "Senate."

Amend Rule 73 to read:

Call of the house Senate. Five senators, ~~or fifteen members of the assembly~~, may make a call of the ~~house~~ Senate and require absent members to be sent for, but a call of the ~~house~~ Senate cannot be made after the voting has commenced.

Amend Rule 74 to read:

Putting question. On a call of the ~~house~~ *Senate* being moved, the presiding officer shall say: "It requiring (if ~~the call be moved in the Senate~~ five senators, ~~or if in the assembly, fifteen members~~) to make a call of the ~~house~~ *Senate*, those in favor of the call will rise." And, if a sufficient number shall rise, the call shall be thereby ordered.

Amend Rule 75 to read:

Doors to be closed. A call of the ~~house~~ *Senate* being ordered, the sergeant-at-arms shall close the doors, and no member shall be allowed to leave the ~~room~~ *chamber*.

Amend Rule 77 by striking out the word "house" in the title and in the second, fifteenth and sixteenth lines and inserting in lieu thereof the word "Senate" in each case.

Renumber Rule 79 to be Rule 78, and renumber Rule 78 to be Rule 79.

Amend Rule 79 (which has been renumbered Rule 78) by striking out the word "house" in the ninth line, and inserting in lieu thereof the word "Senate."

Amend Rule 80 by striking out in the last two lines the words "or fifteen members of the assembly."

Amend Rule 81 by striking out in the fourth and fifth lines the words "or fifteen members of the assembly, as the case may be.", and also by striking out the parentheses in the same lines; further amend by striking out the word "effects" in the fourteenth line and inserting the word "effect" and by striking out the word "house" in the fifteenth line and inserting the word "Senate."

Amend Rule 82 by striking out the word "house" in the third and sixth lines and inserting in lieu thereof the word "Senate" in each case.

Amend Rule 83 by striking out in the first line the word "house" and inserting the words "the Senate", and by striking out in the fourth line the word "house" and inserting the word "Senate."

Amend Rule 84 by striking out the word "amend." in the fourth line, and inserting in lieu thereof the word "Amendment," and by striking out in the eighteenth line the words, "other house" and inserting the word "assembly."

Amend Rule 86 by striking out in the fourth line the word "house" and inserting in lieu thereof the word "Senate."

Amend Rule 88 by striking out in the third line the word "house" and inserting in lieu thereof the word "Senate."

Amend Rule 90 by striking out the words "other house" in the last line and inserting in lieu thereof the word "assembly" by adding at the end thereof the following: provided that if the amendment is an unamended substitute the original substitute in an engrossed envelope shall be the engrossed bill.

Strike out Rule 90m.

Amend Rule 91 by striking out in the third line the words "of the house passing it" and by striking out in the fourth line the words "other house" and inserting in lieu thereof the word "assembly."

Amend Rule 92 to read:

Motion to adjourn; ~~privileged resolution~~. A motion to adjourn shall always be in order except when the ~~houses~~ Senate is voting; but this rule shall not authorize any member to move an adjournment when another member has the floor.

92a (part of old Rule 92). **Privileged question.** Any motion or resolution relating to the organization of ~~either house,~~ the Senate, or to any of its officers, members, or committees, shall be privileged and need not lie over for consideration.

Strike out Rule 94.

Amend Rule 95 to read:

Certification of pay roll. The chief clerk of the Senate and the assembly, respectively, and the sergeant-at-arms of each house of the Senate shall certify to the secretary of state the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively

due them, which certificates shall be approved by the presiding officer of the ~~house in which they are employed.~~ *Senate.*

Amend Rule 96 to read as follows:

Enrolled bills. After a *Senate* bill has passed both houses, it shall be duly enrolled ~~by, or~~ under the direction of the chief clerk ~~for the house in which the same originated, of the Senate~~ before it shall be presented to the governor for his approval. When a bill is duly enrolled, it shall be carefully compared by the *enrolling* clerk, ~~of the committee on enrolled bills,~~ after which it shall be delivered by him to the *chairman* of said committee, ~~which committee shall carefully compare the same with the engrossed bill as passed in the two houses, cause any error that may be discovered therein to be corrected, and when perfect forthwith return the bill to the house.~~ *chief clerk who shall report it correctly enrolled to the Senate.*

Strike out Rule 97.

Strike out Rule 98.

Strike out Rule 99.

Strike out Rule 100.

Amend Rule 101 by striking out the words "either house" in the second line, and inserting in lieu thereof the words "the Senate," and by striking out the word "thereof" in the fourth line.

Amend Rule 102 by striking out the word "house" in the fourth line and inserting in lieu thereof the word "Senate" and by striking out the last sentence, relating to the assembly.

Strike out Rule 103.

Strike out Rule 104.

Strike out Rule 105.

Strike out Rule 106.

Strike out Rule 107.

Strike out Rule 109.

Amend the numbering of the rules so that they will be consecutive beginning with number one, changing references to rule numbers wherever they appear in the rules so that they shall refer to the proper rule in each case.

Resolved further, That such rearrangement in the order of the rules be made as shall be necessary to bring related matters together.

Resolved further, That upon the adoption of this resolution the rules of the Senate shall be printed in full in the journal.

RECESS.

Upon motion of Senator Browne,
The senate took a recess until 10:30 o'clock a. m.

10:30 O'CLOCK, A. M.
The senate was called to order by the president

BILLS FOR REVISION.

Senator Cunningham offered one bill, which was referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Res. No. 6, S.,

Relating to the appointment of certain special committees.

Resolved by the Senate, That three special committees be appointed, as follows: Conservation, three members; Highways, three members; Insurance, three members.

By Special Committee on Rules.

Adopted.

Res. No. 7, S.,

Directing the Superintendent of Public Property to instal telephones in certain rooms in the capitol.

Resolved by the Senate, That the superintendent of public property be directed to install at once a telephone in each of the retiring rooms adjacent to the five senate committee rooms, in the office of the sergeant-at-arms, and in room 212.

By Senator Randolph.

Adopted.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in, Jt. Res. No. 3, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 3, A.,

Was concurred in.

ADJOURNMENT.

Upon motion of Senator Bosshard,

The senate adjourned until Monday, January 20, 1913, at 7:30 o'clock p. m.

MONDAY, JANUARY 20, 1913.

7:30 O'CLOCK P. M.

The Senate met.

The president and the president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Scott,

Senator Randolph was elected to preside for this session.

Prayer was offered by the Rev. H. A. Miner, retired Congregational minister, of Madison, Wis.

Upon motion of Senator Browne,

The calling of the roll was dispensed with.

The journal of Thursday, January 16, 1913, was approved.

BILLS FOR REVISION.

Senator Browne offered one bill, which was referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 3, S.,

By Senator Ackley. To committee on Education and Public Welfare.

Jt. Res. No. 4, S.

By Senator Linley.

Upon motion of Senator Linley,

All rules interfering with the immediate consideration of Jt. Res. No. 4, S., were suspended by unanimous consent, and the joint resolution was placed upon its final passage at this time.

Jt. Res. No. 4, S.

Adopted.

Upon motion of Senator Linley,

All rules interfering were suspended by unanimous consent, and Jt. Res. No. 4, S., was ordered messaged to the assembly at once.

COMMUNICATION.

JANUARY 8, 1913.

HON. F. M. WYLIE,
Chief Clerk of the Senate,
Madison, Wisconsin.

Dear Sir: I am transmitting herewith copy of a resolution of Congress entitled "Joint Resolution Proposing an Amendment to the Constitution providing that Senators shall be elected by the people of the Several States," filed in this department May 20, 1912.

Very truly yours,
J. S. DONALD,
Secretary of State.

Referred to committee on Education and Public Welfare.

MADISON, Wis., January 16, 1913.

HON. F. M. WYLIE,
Chief Clerk of the Senate.

Dear Sir: I have the honor to transmit herewith copy of joint resolution entitled "Joint Resolution Making Application to Congress under the Provisions of Article V. of the Constitution of the United States for the Calling of a Convention to Propose an amendment to the Constitution of the United States whereby Polygamy and Polygamous Cohabitation Shall be Prohibited," filed in this office January 13th, 1913.

Very truly yours,
J. S. DONALD,
Secretary of State.

Referred to committee on Education and Public Welfare.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Office.

To the Honorable, the Senate:

Pursuant to the statute governing, I hereby nominate and by and with the advice and consent of the Senate, appoint

Nils P. Haugen of Madison, to be a member of the Tax Commission, for the term ending on the first Monday in May, 1921.

John H. Roemer, of Milwaukee, to be a member of the Railroad Commission, for the term ending on the first Monday in February, 1919.

Respectfully submitted,
FRANCIS E. McGOVERN.
Governor.

January 20, 1913.

Laid over under the rules.

Upon motion of Senator Scott,
The nomination of L. A. Anderson for Commissioner of Insurance was laid over until Thursday, January 23, 1913.

ADJOURNMENT.

Upon motion of Senator Browne,
The senate adjourned until 10:00 o'clock a. m. tomorrow.

TUESDAY, JANUARY 21, 1913.

10:00 O'Clock A. M.

The senate met.

The president and the president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Scott,

Senator Browne was elected to preside for this session.

Prayer was offered by the Rev. H. A. Miner.

The roll was called and the following Senators answered to their names:

Senators Ackley, Bichler, Bosshard, Browne, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—23.

Absent—Senators Albers, Bishop, Burke, Hoyt, Martin A. E., Martin H. C., Richards, Stevens, Weigle, and Weissleder—10.

LEAVE OF ABSENCE.

Upon request of Senator Scott,

Leave of absence was granted to Senator Hoyt for this session and for the remainder of this week, and to all absentees for this session.

Upon request of Senator Randolph,

Leave of absence was granted to Senator Husting for the remainder of this week.

Upon request,

Leave of absence was granted to Senator Ackley for the remainder of this week.

The journal of yesterday was approved.

BILLS FOR REVISION

Senator Scott offered one bill, Senator Teasdale offered nine bills, Senator White offered three bills, and Senator Huber offered one bill, which were referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 5, S.

Resolved by the senate, the assembly concurring, That the secretary of state be directed to certify to each house upon each legislative day the names of registered legislative counsel and agents recorded in his office subsequent to his previous certification under this resolution.

Resolved further, That each certification be printed in the journals of each house respectively upon the day of its receipt.

By Special Committee on Rules,
Adopted.

BILLS INTRODUCED.

Special committee on Rules introduced one bill.

Upon request of Senator Bosshard,

All rules interfering, were suspended by unanimous consent and No. 2 S., was considered at this time.

No. 2, S.,

Read first and second times, and

Referred to committee on Finance.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has adopted the following resolution:

Relating to the death of Honorable Albert E. Schwittay.

WHEREAS, Almighty God in His infinite wisdom has called from among us Albert E. Schwittay, representative in the assembly from Marinette county; and

WHEREAS, His sudden and untimely death has deprived him of the opportunities of service to his constituents and has brought sorrow and grief to his family and friends; therefore, be it

Resolved, That we the members of the assembly of the state of Wisconsin do hereby express our deepest regret at the unexpected death of one of our number and regret that his opportunity of service with us has so suddenly come to an end; and be it further

Resolved, That we extend our sincere sympathy to his family and friends and to those who through his death have sustained loss; and be it further

Resolved, That this resolution be entered upon the journal of the assembly, that the chief clerk communicate the same to the senate and transmit a copy thereof to the family of the deceased.

And has concurred in

Jt. Res. No. 4, S.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 4:30 o'clock p. m.

4:30 O'CLOCK P. M.

The president and the president pro tempore being absent,
The senate was called to order by the chief clerk.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned until 10:00 o'clock a. m. tomorrow.

WEDNESDAY, JANUARY 22, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president and the president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Scott,

Senator True was elected to preside for this session.

Prayer was offered by the Rev. H. A. Miner.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—24.

Absent—Senators Albers, Martin A. E., Martin H. C., Richards, Stevens, Weissleder, and White—7.

Absent with leave—Senators Hoyt and Weigle—2.

The journal of yesterday was approved.

Senator Scott, by unanimous consent, withdrew his bill introduced yesterday.

Upon request of Senator Browne,

No. 1, S., was recalled from the committee on State Affairs, and re-referred to the committee on Finance.

RESOLUTIONS FOR REVISION.

Senator Zophy introduced two joint resolutions, which were referred to the committee on Revision.

BILLS FOR REVISION.

Senator Teasdale offered four bills, Senator Zophy offered one bill, Senator Huber offered two bills, Senator Kileen offered one bill, Senator Husting offered one bill, and the joint committee on Finance offered one bill, which were referred to the committee on Revision.

RESOLUTIONS.

Jt. Res. No. 6 S.,

Relating to a fiscal report from the secretary of state as provided by section 20.06 of the statutes.

WHEREAS, Section 20.06 of the statutes provides that the secretary of state shall prepare, and the printing board shall cause to be printed, a biennial fiscal report setting forth an estimate of receipts and expenditures of the general fund, and

WHEREAS, Paragraph 2 of section 16 of chapter 583 of the laws of 1911 creating a state board of public affairs provides that "Thirty days before the assembling of the legislature each public body, the conduct or operation of which involves the receipt, expenditure or handling of any state funds or property, shall submit to the board an estimate of its revenues and expenditure for each fiscal year of the ensuing biennial period, and

WHEREAS, Under the authority of this section the state board of public affairs has required the making of such estimates of revenues and expenditures and will include such estimates in its budget report to be submitted to the legislature; now, therefore, be it

Resolved by the senate, the assembly concurring, That it is unnecessary for such fiscal report to be made by the secretary of state to the legislature of the session of 1913.

By Joint Committee on Finance.

Adopted.

BILLS INTRODUCED.

Read first and second times and referred.

No. 3, S. (Revision No. 11). By Senator Browne. To committee on Finance.

No. 4, S. (Revision No. 2). By Senator Burke. To committee on Corporations.

No. 5, S. (Revision No. 3). By Senator Burke. To committee on Corporations.

No. 6, S. (Revision No. 5). By Senator Kileen. To committee on Judiciary.

No. 7, S. (Revision No. 9). By Senator True (by request). To committee on Finance.

No. 8, S. (Revision No. 10). By Senator Cunningham. To committee on State Affairs.

CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR.

The question being, Shall the nomination by the governor of Nils P. Haugen of Madison, Wis., to be a member of the tax commission for the term ending on the first Monday in May, 1921, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 24; noes, 0; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tompkins, True, and Zophy—24.

Noes—None.

Absent or not voting—Senators Albers, Hoyt, Martin A. E., Martin H. C., Richards, Stevens, Weigle, Weissleder, and White—9.

And so the nomination was confirmed.

The question being, Shall the nomination by the governor of John H. Roemer, of Milwaukee, Wis., to be a member of the railroad commission for the term ending on the first Monday of February, 1919, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 24; noes, 0; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—24.

Noes—None.

Absent or not voting—Senators Albers, Hoyt, Martin A. E., Martin H. C., Richards, Stevens, Weigle, Weissleder, and White—9.

So the nomination was confirmed.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in Jt. Res. No. 5, S.

RESOLUTIONS CONSIDERED.

Res. No. 5, S.,
Was adopted.

RULES OF THE SENATE.

Adopted at the session of 1913.

OFFICERS—ELECTION AND DUTIES.

1. Senate called to order by lieutenant governor. The lieutenant governor of the state, who, by the 8th section of the 5th article of the constitution, is constituted ex officio president of the senate, shall, when present, take the chair at the hour fixed for the meeting of the senate, when he shall call the senators to order, who shall thereupon take their seats, and remain with their heads uncovered, while the senate remains in session.

2. President pro tem.; not excused from voting. The senate shall elect a president pro tempore, for the session, who shall possess all the powers and prerogatives of the president of the senate in the absence of the president, and in the absence or inability of the president pro tem., to preside, the president shall have the right to name any senator to perform the duties of the chair temporarily, and who shall be invested, during such time, with all the powers of the president; but no senator shall be excused from voting on any question by reason of his occupying the chair, nor shall such substitute's authority as presiding officer, except to the president pro tem., extend beyond a day's adjournment of the senate.

3. May call member to chair. The presiding officer may call a member to the chair, but such substitute shall not extend beyond an adjournment.

4. Temporary presiding officer. In the absence of the presiding officer, one of the members shall be elected to preside temporarily, until the return of the regular presiding officer.

5. Duties of presiding officers. It shall be the general duty of the presiding officer:

To open the session, at the time to which adjournment is taken, by taking the chair and calling the members to order;

To announce the business before the senate in the order in which it is to be acted upon.

To receive and submit, in the proper manner, all motions and propositions presented by the members;

To put to vote all questions which are regularly moved, or which necessarily arise in the course of proceedings, and to announce the result;

To restrain the members while engaged in debate, within the rules of order;

To enforce on all occasions the observance of order and decorum among the members;

To inform the senate when necessary, or when referred to for that purpose, on any point of order or practice;

To receive messages and other communications from other branches of the government, and to announce them to the senate;

To authenticate by his signature, when necessary, all the acts, orders and proceedings of the senate;

To name the members, when directed to do so in a particular case, or when it is a part of his general duty by these rules, who are to serve on committees; and in general

To represent and stand for the senate, declaring its will, and in all things obeying its commands. Every officer of the senate is subordinate to his presiding officer, and, in all that relates to the discharge of his several duties, is under his supervision.

6. Election and duties of chief clerk. A chief clerk of the senate shall be elected at the commencement of each session, to hold his office at the pleasure of the body electing him. He shall superintend the recording of the journal of the proceedings; the engrossing and enrolling of bills, resolutions, etc.; shall cause to be kept and prepared for the printer the daily journal of the proceedings. He shall permit no records or papers belonging to the legislature to be taken out of his custody otherwise than in the regular course of business; shall report any missing papers to the notice of the presiding officer, and generally shall perform, under the direction of the presiding officer, all duties pertaining to his office as clerk, and shall be responsible for all the official acts of his assistants.

7. Election and duties of sergeant at arms. A sergeant at arms of the senate, shall be elected at the commencement of each session, to hold his office at the pleasure of the body electing him. It shall be his duty to execute all orders of the senate or its presiding officer, and to perform all the duties that may be assigned to him connected with the police and good order of the body; to exercise the supervision over the ingress and egress of all per-

sons to and from the chamber, and particularly to enforce the provisions of Rule 12 of the senate rules relating to lobbyists and lobbying; to see that messages, etc., are promptly executed; that the chamber is properly ventilated and is open for the use of the members from 8 a. m. until 11 p. m., and to perform all other services pertaining to the office of sergeant at arms.

ORDER AND DECORUM

8. Presiding officer to preserve order; appeal. The presiding officer shall preserve order and decorum; may speak to points of order in preference to others, rising from his seat for that purpose; and he shall decide questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by leave of the senate. On appeal being taken, the question shall be: "Shall the decision of the chair stand as the judgment of the senate?" which question and the action thereon, shall be entered on the journal. All points of order raised and the decisions thereon shall be entered in the journal.

9. Members not to leave senate, when. While the presiding officer is addressing the senate, or submitting a question, no member shall cross the floor, or leave the senate; nor while a member is speaking, walk between him and the chair.

10. Calling of yeas and nays. No member or other person shall visit or remain by the clerk's table while the yeas and nays are being called.

11. Reading and smoking during session. No member or officer of the senate shall read newspapers within the bar of the senate, or smoke therein while in session.

12. Who may be admitted to the floor. Persons of the following classes, and no others, shall be admitted to that portion of the floor of the senate reserved to the members during the session thereof, viz.: the governor, lieutenant governor, members of the legislature, state officers, regents of the university, regents of the normal schools, members of congress, judges of the supreme court and other courts, and ex-members of the legislature. And none of the above shall have the privilege of the floor who are registered as lobbyists or engaged in defeating or promoting any pending legislation. No ex-senator or any other person who shall be directly or indirectly interested in defeating or promoting any pending legislation, whether registered

as a lobbyist or not, shall have the privilege of the floor of the senate at any time. All editors of newspapers within the state and reporters for the press, who confine themselves to their professional duties, shall have the privilege of the floor of the senate, except that during the sessions of the senate such privilege shall extend only to the press lobby. The foregoing rule shall not be deemed to exclude such other persons as may be invited to seats on the floor of the senate by a member or the presiding officer thereof.

13. Privileges of senate to contestants for seats. Contestants for seats shall have the privilege of the senate until their respective cases are disposed of; the privilege to extend only so far as access to the chamber, during the time occupied in settling the contest.

14. Disturbance in lobby. Whenever any disturbance or disorderly conduct shall occur in the lobby or gallery, the presiding officer shall have the power to cause the same to be cleared of all persons except members and officers.

ORDER OF BUSINESS.

15. Hour for meeting. The hour for the meeting of the senate shall be at 10:00 o'clock a. m. unless a different hour shall be prescribed by resolution or motion. This rule may be changed by resolution or motion adopted by a majority vote.

16. Roll call quorum. Before proceeding to business, the roll of the members shall be called, and the names of those present and those absent shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business; a smaller number, however, can adjourn, and shall have power to compel the attendance of absent members.

17. Leave of absence. No member or officer of the senate, unless from illness or other cause he shall be unable to attend, shall absent himself from the session during the entire day, without first having obtained leave of absence.

18. Order of business. The order of business in the senate shall be as follows:

1. Call of the roll.
2. Correction of the journal.
3. Motions may be offered.

4. Reception of resolutions for revision.
5. Reception of bills for revision.
6. Introduction and reference of resolutions.
7. Introduction and reference of bills.
8. Petitions and communications.
9. Reports of standing committees.
10. Reports of special committees.
11. Executive communications.
12. Messages from the assembly and action thereon.
13. Motions for consideration.
14. Resolutions may be considered.
15. Bills ready for engrossment.
16. Bills to be ordered to third reading.
17. Bills ready for third reading.
18. Special order.

19. (Senate) **Daily calendar; Committee of the Whole.** All bills, resolutions, memorials, or other business, referred to a committee and reported by it to the senate, shall be placed upon the calendar under the proper order of business. The printed calendar shall be furnished to members at least twenty-four hours, exclusive of Sunday, before such calendar is acted upon. The calendar shall not be changed within that period. Unless otherwise ordered an unfinished calendar of a preceding day shall be first in order as the unfinished business of the senate.

During the consideration of bills under the order of bills ready for engrossment or third reading, one-sixth of the members present may move that any bill or bills in said order of business shall be considered in Committee of the Whole, and at the close of said order of business, unless otherwise ordered, the senate resolve itself into a Committee of the Whole for the consideration of the bill or bills ordered to be so considered. The rules of the senate shall govern, as far as practicable, the proceedings in Committee of the Whole, except that a member may speak more than twice on the same subject, and that a call for the yeas and nays, or for the previous question cannot be made in the committee.

COMMITTEES—DUTIES AND PROCEDURE.

20. **Standing committees of senate.** The following standing committees shall be elected by the senate as near the commencement of the session as may be, namely:

On Judiciary, seven members.

On Corporations, seven members.

On Education and Public Welfare, seven members.

On State Affairs, seven members.

Each of the above committees shall elect its own chairman.

The president pro tem. and the respective chairmen of the committees on Judiciary, on Corporations, on Education and Public Welfare, on State Affairs, and of the joint committee on Finance, and the chairmen of such special committees of the senate as shall be created during any session shall constitute a committee on Legislative Procedure.

The senate shall elect, as soon as may be after the commencement of the session five members to the joint committee on Finance, which members shall elect the chairman of said joint committee.

21. Select or special committees. Select or special committees may be provided for on motion or by resolution, designating the number and object, and unless otherwise ordered, shall be appointed by the presiding officer.

22. Committee not to be absent. No committee shall absent themselves by reason of their appointment during the sitting of the senate, without special leave, except a committee on Conference.

23. Committee quorum; subcommittees. A majority of any committee shall constitute a quorum for the transaction of business. Subcommittees, who shall report to the regular committee, may be appointed to take charge of any part of the committee's business.

24. Business in committees; notice of meeting. All business referred to a committee shall be taken up within three weeks, and if not at once disposed of a time shall be fixed by the committee for the final hearing thereon and a report thereof made to the senate. At the end of each week each committee clerk shall report to the chief clerk the state of business in his committee, which report shall be printed in the weekly bulletin provided by section 20.14 of the statutes. The day, hour, and place of hearing before any committee shall be posted on the bulletin board of each house, and such notice shall specify the number, author, and title of the bill or resolution to be considered.

25. Calendar of committee hearings. The chairman of each senate committee shall, on or before Friday noon of each week file with the chief clerk his several daily calendars for the following week. Such calendars shall be printed in full in the joint weekly hearing bulletin and also in the weekly bulletin of proceedings provided for in section 20.14 of the statutes. The clerk shall also include in the bulletin of proceedings a notice after the annotations on each bill, specifying the name of the committee, the date, and the hour of the hearing.

26. Committee reports. The chairman of the committee to which any bill is referred shall report in concise form the action of the committee and the date thereof, and shall authenticate the same by his signature, e. g.:

The committee on report and recommend:

No. 24, S., (Synopsis of title) Passage.

No. 26, S., (Synopsis of title) Adoption of amendment No. 1, S., and passage.

No. 28, S., (Synopsis of title) Adoption of substitute amendment No. 1, S., and passage. •

No. 30, S., (Synopsis of title) Indefinite postponement.

No. 32, A., (Synopsis of title) Concurrence.

No. 34, A., (Synopsis of title) Nonconcurrence.

.....
Chairman.

All committee reports shall be made in duplicate.

27. Minority reports. Members dissenting from a report of a committee shall be so reported when they request it.

In case all the members of any committee required or entitled to report on any subject referred to them, cannot agree upon a report, the majority or minority of such committee may each make a separate report; and any member dissenting in whole or in part from the reasonings and conclusions of both majority and minority, may also present a statement for his reasons and conclusions; and all reports upon, if decorous in language and respectful to the senate shall be entered at length on the journal.

28. Bill to lie on table until both reports printed. In all cases where there shall be both majority and minority reports submitted to the senate, the bill, resolution, memorial, or other

matter reported upon, shall lie upon the table until the reports thereon shall have been printed in the journal and laid upon the desks of the members.

BILLS, RESOLUTIONS, ETC.—PROCEDURE.

29. Copies of bills, etc. Two carbon copies and an additional copy of the title page shall accompany the original of all bills, resolutions, joint resolutions, and memorials when first offered. After the second reading the original shall be marked by the clerk as such, one copy shall be delivered to the printer, and one copy kept on file at the clerk's desk.

Any employee who shall typewrite a bill, resolution, joint resolution, memorial, amendment, or motion, to be offered in the senate or in a committee, shall place his name on the lower left hand corner of the back thereof.

30. Bill backs. There shall be attached to each bill or resolution sent to the clerk's desk a substantial back which shall be furnished by the clerk and which shall bear no writing except the number of the bill and the name of the person or committee introducing it and shall be enclosed in an envelope as provided in rule 31.

31. Filing of bills, etc. The superintendent of public property shall provide envelopes of a suitable size to hold any bill, memorial or resolution and the papers pertaining thereto, respectively, without folding or rolling, and cases or drawers for the vertical filing thereof without folding. The clerk shall not file any paper for any purpose, the cover of which has been either folded or rolled. The clerk shall provide a substantial back for bills. Such envelopes and backs shall be distinguished from those of the assembly by color. The envelopes shall be properly printed and ruled to receive the notations of the clerk.

There shall be noted by the clerk, upon the envelope, the number and title of the bill or resolution, and the date of introduction, the name of the person or committee introducing it, and the committee reference, and upon the cover the number of the bill or resolution and the name of the person or committee introducing it. The usual notations of either committee or clerk shall be made on the envelope and any paper placed therein shall bear the initials of the chief clerk and the date of its receipt.

32. Clerical corrections to bills. (1) Minor clerical errors in any bill, memorial, or resolution, such as errors in orthography or grammar, or the use of one word for another, as "affect" for "effect," wrong numbering or references, whether such errors occur in the original bill or in any amendment thereto, shall be corrected by the chief clerk as a matter of course upon the approval of the chairman of any committee to which the bill was referred.

(2) The chief clerk shall, with the approval of the author of the bill, insert the enacting or usual enabling clause in any bill before its passage if the same shall have been omitted. He shall also, when necessary, amend titles of all bills so that they will show the sections affected, the subject to which the bill relates, and the making of an appropriation, if such is made by the bill.

(3) Any corrections made by the clerk under this rule shall be noted by him upon the journal.

(4) Webster's New International Dictionary shall be the standard.

33. Journal preface; reference to bills, resolutions, etc., in journal. The title to all bills, resolutions, joint resolutions and petitions, shall be arranged numerically and printed from day to day as a preface to the journal. All reference to any bill, resolution, joint resolution or petition either in the journal, or messages shall be by number only, excepting in the journal where the yeas and nays are entered. The clerk shall read the titles except where the senate directs otherwise, except that messages from the assembly, and messages of approval of bills by the governor, the chief clerk shall read by number, only, except where a member requests the title to be read.

34. Bills first offered for revision. Before introduction, bills and resolutions not privileged by rule 75, shall be offered for revision. Every bill offered shall be recorded by the clerk by a temporary number which shall be known as a revision number, and be delivered by the clerk to the revision clerk, who shall return the same, if in proper form, marked O. K. with a conspicuous rubber stamp and signature of the revision clerk, within forty-eight hours, Sundays and days of adjournment excepted. When such bill is thus returned to the clerk, it shall be read the first and second times and referred. Any recommendations of the revision clerk upon any bills delivered to him by the chief clerk under this rule shall be transmitted to

the chief clerk within the same period of time, in a written report, and the clerk shall immediately deliver such bill and report to the member who submitted the bill. The member may, in his discretion, accept or refuse such recommendations and may then offer the bill for first and second readings. Any bill not having been referred for revision which shall be ordered to a third reading, shall then be so referred.

35. Notations of bills affecting same section. The revision clerk, where bills submitted for revision are duplicate or identical in subject matter with other bills introduced in either house, shall make such notation in respect thereto on the corresponding bill envelopes of each house as will apprise any committee considering any such bill in either house of the bill in the other house. At the close of the sixth week of the session, the revision clerk shall proceed to note upon the envelope of each senate bill the numbers of other bills in either house affecting the same section of the statutes, and, in so far as practicable, the numbers of other bills in either house, affecting the same subject matter, where such bills affect other sections of the statutes. Upon the receipt of the assembly bills in the senate the revision clerk shall make similar notations upon these bills, if such notation has not previously been made. For the purpose of carrying out these provisions, the revision clerk shall have access to the bills in the hands of each senate committee, and shall be assisted by the respective committee clerks.

36. Time for new bills by members. The time for the introduction of new bills and resolutions not privileged by rule 75 by members shall expire with the close of the fifth week of the session. A bill offered for revision within this period shall be entitled to be introduced whenever corrected to conform to the rules.

37. New bills after fifth week. If a member or committee desires to introduce a bill after the close of the fifth week of the session, such bill shall, before its introduction, be referred to the committee on Legislative Procedure of the senate, which shall, within forty-eight hours, report thereon, recommending that the bill be received and read the first and second times or that it be rejected. Such report shall stand as the action of the senate unless the senate on motion shall order otherwise.

38. Time allowed revision clerks. The chief clerk shall report out all bills from the revision room by the close of the sixth week of the session unless otherwise ordered by the senate.

39. Printed bill, etc., to be on file one day before action. All bills, resolutions and memorials, and substitute amendments thereto, that shall be printed, shall remain at least one day on the files, after being printed, before being considered, provided that this rule shall not affect any bill, resolution, or memorial, which has privilege by rule 75 of immediate consideration. If the rules be suspended for the consideration of any bill, resolution, or memorial, before such bill, resolution or memorial has been printed, the same shall be read at length at least once before its final passage, and this rule shall not be suspended without the unanimous consent of the senate.

40. Three several readings; first reading. Every bill shall receive three several readings by title except where otherwise provided previous to its passage, but no bill shall receive a second and third reading on the same day. The first reading of the bill shall be for information, and if objections be made to it, the question shall be "shall the bill be rejected;" if no objection be made, or the question to reject be lost, the bill shall go to its second reading without further question.

41. Second reading; reference to committee. On the second reading, every bill or memorial requiring three readings shall be referred to the appropriate committee which shall be announced by the presiding officer, unless the senate, on motion, make a different order in relation thereto; and this rule shall apply as well to bills, resolutions and memorials originating in either house.

42. Engrossing bills. Each bill ordered engrossed and read a third time shall be, under the direction of the engrossing clerk, carefully typewritten, with all amendments adopted to the original bill reduced into the text, placed in a new envelope, upon which the endorsements on the original envelope shall be carefully engrossed, and, with the original, shall be delivered to the chief clerk, who shall report it correctly engrossed to the senate. The original shall then be filed by the chief clerk and the engrossed bill shall thereafter be considered as the original. If it shall be subsequently found, however, that mistake has been made in engrossing the bill, the chief clerk shall have the power under Rule 32 to correct such error in engrossing. A bill which

shall be "ordered engrossed and read a third time" without any amendment thereto having been adopted, shall not be engrossed, but shall be placed upon the next calendar under the order "Bills Ready for Third Reading;" and when a bill which shall have been amended only by a substitute adopted without amendment, shall be "ordered engrossed and read a third time" the original substitute in an engrossed envelope shall be the engrossed bill.

43. Third reading; question. Upon the third reading of the bill the question shall be stated thus: "This bill having been read three several times, the question is, 'Shall the bill pass' " or "Shall the bill be concurred in", as the case may be.

44. Appropriation bills to be read at length. The third reading of all bills appropriating money shall be at length, and the suspension of this rule shall not be made without the unanimous consent of the senate.

45. Bill amended on third reading to be reengrossed. If a bill, resolution, or memorial ordered to be engrossed and read a third time be amended or otherwise changed it shall be engrossed in typewriting before being read a third time. Any bill, resolution, or memorial which shall have passed the senate with amendments that have not been reduced into the text, shall be engrossed or reengrossed under the supervision of the chief clerk before being messaged to the assembly, provided, that if the amendment is an unamended substitute, the original substitute in an engrossed envelope shall be the engrossed bill.

46. Rereference in order. Any bill, resolution or memorial may be recommitted at any time previous to its passage.

47. Messaging to the assembly. Each bill which passes its third reading shall be certified by the clerk and by him transmitted to the assembly. The date of transmission shall be entered on the bill books of the clerk.

48. Papers held during reconsideration period. All bills, joint resolutions, etc., upon which such action has been taken that they are next to be messaged to the assembly, shall be held by the chief clerk until the time for reconsideration of such bills, joint resolutions, etc., has expired, but privileged resolutions, etc., shall be messaged immediately unless it is otherwise ordered by the senate.

49. Enrolling bills. After a senate bill has passed both houses, it shall be duly enrolled under the direction of the chief

clerk of the senate before it shall be presented to the governor for his approval. When a bill is duly enrolled, it shall be carefully compared by the enrolling clerk, after which it shall be delivered by him to the chief clerk who shall report it correctly enrolled to the senate.

50. Signing of documents. All acts, memorials and resolutions shall be signed by the presiding officer, and all writs, warrants and subpoenas issued by order of the senate shall be under his hand, and attested by the clerk.

51. Offering of resolutions. Resolutions privileged by rule 75 shall be sent to the clerk's desk and there read by the clerk, and when so read shall be considered to be before the senate.

52. Presenting petitions, etc. Petitions, memorials, communications and other papers, addressed to the senate shall be presented by a member thereof in his place; a brief statement of the contents thereof shall be endorsed thereon, together with his name, by the members introducing the same.

AMENDMENTS—FORM AND PROCEDURE.

53. Amendments may be offered, when. Amendments may be offered to any bill, resolution or memorial, and acted upon before they are ordered engrossed for third reading; but no amendment shall be considered after a bill has been ordered engrossed, except by unanimous consent of the members present.

54. Reading of amendments. Amendments shall be read by the clerk and stated by the presiding officer to the senate before being acted upon.

Amendments.

55. Amendments to be offered on furnished blanks. Amendments shall be numbered in the order received, e. g., Bill No. 1, S., amendment No. 1, S., and shall bear the name of the member or the chairman of the committee offering the same. The chief clerk shall furnish to members sheets with the proper heading printed in blank, upon which amendments shall be written, and all amendments offered shall be on such blanks in triplicate; provided, that amendments offered from the floor are exempted from this rule and from rule 29, except that the chief clerk

shall have such amendments drawn in proper form as soon as possible and before the bill is subsequently engrossed, delivered to a committee, or messaged to the assembly; this provision not to delay action upon any amendment offered from the floor.

56. Amendments to be germane. No standing or select committee or any member thereof, shall report any substitute or amendment for any bill or bills, or resolutions, referred to such committee, which substitute or amendment relates to a different subject, or is intended to accomplish a different purpose than that of the bill or resolution for which it is reported, or, if adopted and passed, would require a title essentially different from the original title of the bill or resolution. Any substitute bill or resolution so reported shall be rejected whenever the senate is advised that the same is in violation of this rule, and this rule shall not be suspended without the unanimous consent of the senate, and shall apply to bills or resolutions originating in either house.

57. Amendments not accepted, when. No amendment shall be considered in order that will totally alter the nature of the original bill, resolution or memorial; and the presiding officer shall rule as to the admissibility of an amendment where the question is raised as to whether or not it does totally alter the nature of the original proposition.

58. Motions to be germane; bills may not be amended, how. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the senate.

59. Amendments to be submitted to revision clerk. The clerk of any committee ordering any bill reported for passage with any amendment shall submit such bill and amendment to the revision clerk, who shall return the same to such committee clerk, with approval if such amendment conforms to the rules, and, if not, with suggestions in writing, which suggestions shall be submitted to the chairman of the committee. The revision clerk shall only suggest such amendments as do not change the scope and effect of the bill.

60. Committee amendments; speaking on amendment. Amendments reported by committees shall be acted upon by the senate in the same manner as though offered from the floor.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

61. Amendments to be reported. Whenever any bill to which an amendment is pending shall be referred to a committee such amendment shall be reported back to the senate.

62. Order of action. If any amendment to offered by any member on the floor or be reported by the majority or minority of the committee to which the bill was referred, the question shall be upon the amendment, or amendment to amendment, if any be offered from the floor; and if adopted, the question of its engrossment and third reading shall then be put.

GENERAL PROCEDURE.

Order in Debate.

63. Recognition; debate. When a member is about to speak in debate or deliver any matter to the senate he shall rise in his place and respectfully address the chair, and upon being recognized, shall proceed, confining himself to the question under debate, avoiding personality.

64. Presiding officer to name first speaker. When any two or more members shall rise at the same time, the presiding officer shall name the person who is to speak first.

65. Member out of order. When a member is called to order, he shall sit down, and shall not speak, except in explanation, until it shall have been determined whether or not he is in order: and if a member be called to order for words spoken, the exceptional words shall be taken down in writing, that the presiding officer may be better able to judge as to whether they are in violation of the rules.

66. How members may speak. No member shall speak except in his place, and not more than twice on a question, except on leave of the senate. And if a question pending be lost by adjournment and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the senate.

Motions.

67. When a motion is made, it shall be stated by the presiding officer or read by the clerk, previous to debate. If any member require it, all motions, except to adjourn, postpone,

or commit, shall be reduced to writing. Any motion may be withdrawn by consent of the senate before division or amendment.

68. Motions in order during debate. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For a previous question.
4. To postpone to a day certain.
5. To commit to a standing committee.
6. To commit to a select committee.
7. To amend.
8. To postpone indefinitely.

These several motions shall have precedence in the order in which they stand arranged in this rule.

69. Motion to adjourn always in order. A motion to adjourn shall always be in order except when the senate is voting; but this rule shall not authorize any member to move an adjournment when another member has the floor.

70. Laying on table temporary only. A motion to lay on the table shall only have the effect of disposing of the matter temporarily and it may be taken from the table at any time by order of the senate.

71. Motion to postpone. A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of a bill or proposition.

72. Motion to strike out enacting clause. A motion to strike out the enacting clause of a bill shall be considered equivalent to a motion to indefinitely postpone.

73. Motion to reconsider. A motion to reconsider a question may be made by any member who voted with the majority, or in case of a tie vote, by any member. This motion shall be made on the same or the next succeeding legislative day of the senate, and it shall be received under any order of business. If a motion to reconsider is made upon the legislative day next succeeding the action which it is moved to reconsider, the motion shall be ordered laid over to the next calendar, if such order is called for by five members who voted with the majority, and the motion to reconsider may be laid over from time to time there-

after by a majority vote. Such motion having been put and lost shall not be renewed.

Questions.

74. What questions to be decided without debate. A motion to adjourn, to take a recess, to lay on the table, to take from the table, and a call for the previous question, shall be decided without debate. And all incidental questions of order, arising after a motion is made for either of the questions named in this rule, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

75. Privileged question. Any motion or resolution relating to the organization of the senate, or to any of its officers, members, or committees, shall be privileged and need not lie over for consideration.

76. Division of question. Any member may call for the division of a question, which shall be divided if it comprehend propositions, in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the senate. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert.

77. Putting question; division. All questions shall be put in this form. "Those who are of the opinion that the bill pass, be concurred in, etc., (as the case may be,) say, 'aye.' Those of contrary opinion say, 'no;'" and in doubtful cases any member may call for a division.

Voting.

78. Yeas and nays. The yeas and nays shall be ordered when demanded by one-sixth of the members present. In recording the votes taken by yeas and nays, the clerk shall report those absent or not voting.

79. Every member to vote. Every member present when a question is put, or when his name is called, shall vote, unless the senate shall, for a special cause, excuse him, but it shall not be in order for a member to be excused after the senate has commenced voting.

80. Pairs. Members may pair on any question by filing a signed statement of the same with the chief clerk, who shall read the same to the senate before the vote is taken. A blank form of pair for the use of members shall be provided by the chief clerk.

81. Lieutenant governor to cast deciding vote. The lieutenant governor shall not vote except in the case of a tie vote in the senate, and he shall cast the deciding vote. See section 8 of article V, constitution.

Previous Question.

82. Moving previous question. When any bill, memorial or resolution is under consideration, any member being in order and having the floor, may move the "previous question," but such motion must be seconded by at least five senators.

83. Putting of motion; ending debate. The previous question being moved, the presiding officer shall say, "it requiring five senators to second the motion for the previous question, those in favor of sustaining the motion will rise." And if a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by the yeas and nays. The main question being ordered to be now put, its effect shall be to put an end to all debate, and bring the senate to a direct vote upon the pending amendments, if there be any, and then upon the main question.

84. Main question may remain before the senate. When on taking the previous question, the senate shall decide that the main question shall not now be put, the main question shall remain as the question before the senate, in the same stage of proceedings as before the previous question was moved.

85. But one call of the senate in order. On motion of the previous question, and prior to the ordering of the main question, one call of the senate shall be in order; but after proceedings under such call shall have been once dispensed with, or after a majority shall have ordered the main question, no call shall be in order prior to the decision of such question.

CALL OF THE SENATE.

86. Call of the senate. Five senators may make a call of the senate and require absent members to be sent for, but a call of the senate cannot be made after the voting has commenced.

87. Putting question. On a call of the senate being moved, the presiding officer shall say: "It requiring five senators to make a call of the senate, those in favor of the call will rise." And, if a sufficient number shall rise, the call shall be thereby ordered.

88. Dors to be closed. A call of the senate being ordered, the sergeant-at-arms shall close the doors, and no member shall be allowed to leave the chamber.

89. Sergeant to being in absentees. The clerk shall immediately call the roll of the members, and note the absentees, whose names shall be read, and entered upon the journal in such manner as to show who are absent with leave and who are absent without leave. The clerk shall furnish the sergeant-at-arms with a list of those who are absent without leave, and the sergeant-at-arms shall forthwith proceed to find and bring in such absentees.

90. Senate under call; raising call; adjournment. While the senate is under a call no business shall be transacted except to receive and act on the report of the sergeant-at-arms; and no other motion shall be in order, except a motion to adjourn, and a motion to suspend further proceedings under the call, which motions shall be determined by yeas and nays; and the motion to suspend further proceedings under the call shall not be adopted, unless a majority of all the members elect vote in favor thereof. A majority of those present may adjourn, but upon reconvening, the senate shall not be considered to be under the call, but the call of the senate may again be ordered in the same manner as above described.

91. Sergeant-at-arms may report. The sergeant-at-arms may make a report of his proceedings at any time, which report may be accepted, and further proceedings under the call thereby dispensed with; but the motion to accept such report shall be determined by yeas and nays, and it shall not be adopted unless a majority of all the members elect of the senate shall vote in favor thereof. If such report be not accepted, the sergeant-at-arms shall proceed to a completion of his duties, as required by rule number 89.

92. Call raised when absentees present. When the sergeant-at-arms shall make a report showing that all who were absent without leave (naming them) are present, such report shall be entered on the journal, and the call shall be at an end; and thereupon the doors shall be open and the business pending when the call was made shall be proceeded with.

EMPLOYES.

93. Employment and discharge of employees. All appointments and removals of assistants to the chief clerk or subordinates to the sergeant-at-arms shall be made by such chief clerk or sergeant-at-arms respectively. No employe shall be allowed compensation except for such time as he is actually in attendance, except when absent with leave in writing from his superior officer. Upon no day of the week shall employes be exempted from this provision. Every employe shall perform such duties in connection with the work of the senate as he shall be assigned by his superior officer, and shall be available at such hours as his superior officer shall direct.

94. Certification of pay roll. The chief clerk and the sergeant-at-arms of the senate shall certify to the secretary of state the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively due them, which certificates shall be approved by the presiding officer of the senate

RULES.

95. Rescinding, or amending, rules. No standing rule or order shall be rescinded or changed without one day's notice being given for the motion therefor, which motion shall embrace the proposed amendment. These rules shall not be rescinded or changed except by a vote of at least two-thirds of the members present. Unless there shall be unanimous consent for the suspension of the same the vote shall be taken by yeas and nays.

96. Suspending rules. These rules may be suspended by the senate by vote of two-thirds of the members present. The vote shall be determined by yeas and nays unless unanimous consent be given.

97. Jefferson's Manual rules of practice. The rules of parliamentary practice comprised in Jefferson's Manual, shall be the standard in all cases to which they are applicable and in which they are not inconsistent with these rules.

LEAVE OF ABSENCE.

Upon request,
Leave of absence was granted to Senator Bosshard for tomorrow's session.

ADJOURNMENT.

Upon motion of Senator Browne,
The senate adjourned.

THURSDAY, JANUARY 23, 1913.

10:00 O'CLOCK A. M.

The senate met.**The president and president pro tempore being absent,****The senate was called to order by the chief clerk.****Upon motion of Senator Snover,****Senator Perry was elected to preside for this session.****Prayer was offered by the Rev. H. A. Miner.****The roll was called and the following senators answered to their names:****Senators Ackley, Bichler, Bishop, Browne, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—23.****Absent—Senators Albers, Linley, Martin A. E., Martin H. C., Richards, Stevens, and Weissleder—7.****Absent with leave—Senators Bosshard, Hoyt, and Weigle—3.**

LEAVE OF ABSENCE.

Upon request of Senator Culbertson,**Leave of absence was granted to Senator Linley for this session and for the remainder of this week.****Upon request of Senator Scott,****Indefinite leave of absence was granted to Senator Weigle, on account of illness.****Upon request,****Leave of absence was granted to Senator Bichler until January 30, 1913.****Upon request,****Leave of absence was granted to Senator Skogmo until January 29, 1913.****Upon request,****Leave of absence was granted to Senator Ackley until January 29, 1913.**

The journal of yesterday was approved.

MOTIONS.

Senator True, with unanimous consent, withdrew his bill, Revision No. 8.

RESOLUTIONS FOR REVISION.

Senator Zophy offered two joint resolutions and Senator Hustington offered one resolution, which were referred to the committee on Revision.

BILLS FOR REVISION.

Senator Teasdale offered two bills, which were referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 7, S. (Revision No. 26). By Senator Zophy. To committee on Judiciary.

Jt. Res. No. 8, S. (Revision No. 27). By Senator Zophy. To committee on Corporations.

Jt. Res. No. 9, S.,
Relating to adjournment.

Resolved by the senate, the assembly concurring, That when the legislature adjourns today it be until Monday, January 27th, at 7:30 o'clock p. m.

By Senator Teasdale.

Adopted.

BILLS INTRODUCED.

Read first and second times and referred.

No. 9, S. (Revision No. 38) By Senator Kileen.

Upon request of Senator Kileen,

All rules interfering, were suspended by unanimous consent, and No. 9, S., was placed upon its final passage at this time.

No. 9, S.,

Read third time, and passed.

Upon request of Senator Kileen, and with unanimous consent, No. 9 S., was ordered messaged to the assembly at once.

No. 10, S. (Revision No. 14). By Senator White. To committee on State Affairs.

No. 11, S. (Revision No. 15). By Senator White. To committee on Finance.

- No. **12, S.** (Revision No. 16). By Senator White. To committee on Finance.
- No. **13, S.** (Revision No. 17). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **14, S.** (Revision No. 18). By Senator Teasdale. To committee on Judiciary.
- No. **15, S.** (Revision No. 19). By Senator Teasdale. To committee on Judiciary.
- No. **16, S.** (Revision No. 20). By Senator Teasdale. To committee on Judiciary.
- No. **17, S.** (Revision No. 21). By Senator Teasdale. To committee on State Affairs.
- No. **18, S.** (Revision No. 22). By Senator Teasdale. To committee on State Affairs.
- No. **19, S.** (Revision No. 23). By Senator Teasdale. To committee on State Affairs.
- No. **20, S.** (Revision No. 24). By Senator Teasdale. To committee on Finance.
- No. **21, S.** (Revision No. 31). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **22, S.** (Revision No. 32). By Senator Teasdale. To committee on Corporations.
- No. **23, S.** (Revision No. 34). By Senator Zophy. To committee on Judiciary.
- No. **24, S.** (Revision No. 35). By Senator Huber. To committee on Judiciary.
- No. **25, S.** (Revision No. 36). By Senator Huber. To committee on Judiciary.
- No. **26, S.** (Revision No. 13). By Senator Huber. To committee on Judiciary.
-

COMMITTEE REPORT.

The Special Committee on Rules report and recommend the adoption of the resolution reported herewith.

E. E. BROWNE,
Chairman.

Jt. Res. No. 10, S.,

Resolved by the senate, the assembly concurring, That the following be the joint rules of the senate and assembly for the regular session of 1913.

Joint Rules of the Legislature Adopted at the Session of 1913.

1. Joint convention. Whenever there shall be a joint convention of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint convention, and the chief clerk of the assembly shall act as clerk thereof, assisted by the chief clerk of the senate; provided that the lieutenant governor shall not act in said convention except as the presiding officer, and in no case shall have the right to give the casting vote.

2. Committee on conference. In all cases of disagreement between the senate and assembly on amendments, adopted by either house to a bill; memorial or resolution passed by the other house, a committee of conference consisting of three members from each house may be requested by either house, and the other house shall appoint a similar committee. The usual manner of procedure is as follows: the senate, for instance, passes a bill and it is duly messaged to the assembly, which body adopts an amendment to the bill and concurs in it as amended, returning the same, with record of the action of the assembly to the senate; the senate refuses to concur in the assembly amendment and so notifies the assembly; the assembly adheres to its amendment and asks for a committee of conference, and appoints such committee on the part of the assembly, and this action is reported to the senate, whereupon, a like committee is appointed by the senate. The joint committee shall, at a convenient hour agreed upon meet and state to each other, verbally or in writing, the reason of their respective houses for or against the disagreement, and confer thereon, and shall report to their respective houses such agreement as they may arrive at, if any, and if not the fact of a disagreement. The house having possession of the bill at the time the conference report is made shall first act upon such report, if an agreement is reported, and duly message the same to the other house, together with the bill, which if the conference report be concurred in and the bill concurred in as amended, shall be the bill that is finally passed.

3. A nonconcurrent in amendment reconsidered. Whenever an amendment has been nonconcurrent in by the other house, any member may move to recede from such amendment. If the motion prevail such amendment shall thereby be reconsidered and rejected, and the bill or amendment to which said amendment had been adopted by the house shall thereby be passed or concurred in, as the case may be, so that no further action shall be required thereon in either house.

4. Joint committee hearings. Joint hearings before the corresponding committees of the two houses may be held upon agreement between the chairmen of the two committees, who shall give three days' notice to the members of their respective committees of the time and place of such hearings. Such joint hearings shall take the place of separate hearings, and shall be final unless the house where the bill is pending shall order a further hearing before its own committee.

5. Chairman of joint committee. In joint committees standing or select, the chairman of the senate committee shall be chairman of the joint committee.

6. Record of committee proceedings. 1. The chairman or acting chairman of each committee of the legislature shall keep, or cause to be kept, a record, in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of the committee.

(b) The attendance of committee members at each meeting.

(c) The name of each person appearing before the committee, with the name of the person, persons, firm or corporation in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon.

2. Such record shall be ready and approved before the expiration of ten days after each committee meeting, or at the next regular meeting of the committee.

3. Every committee hearing shall be open to the public.

4. There shall be filed, in the proper envelope, with every bill or resolution reported upon, a sheet containing the foregoing information as to such bill or resolution, with a duplicate thereof to be filed by the chief clerk numerically by the number of the bill in such form to be most accessible for the use of the members

and the public, during the session and at the end thereof in the office of the secretary of state.

7. Form of bills. 1. All bills shall be typewritten or printed on paper eight and one-half by eleven inches, shall be in triplicate, shall not be folded, and shall have the arrangement and wording prescribed by the following:

2. Every bill shall have (a) a title, (b) an enacting clause, (c) subject matter disposed in one or more sections, (d) an enabling clause, if necessary.

3. The title of all bills shall state, in the fewest words practicable the subject to which the bill relates, and shall be drawn up in one of the following forms:

a. **A BILL**

To repeal section (s) (or designated parts of sections) of the statutes, relating to

b. **A BILL**

To amend section (s) (or designated parts of sections) of the statutes, relating to (and making an appropriation).

c. **A BILL**

To create section (s) (or designated parts of sections) of the statutes, relating to (and making an appropriation).

d. **A BILL**

To authorize (provide) (and making an appropriation).

e. **A BILL**

To repeal section (s) (or designated parts of sections) of chapter of the laws of (session) relating to

f. **A BILL**

To amend section (s) (or designated parts of sections) of chapter of the laws of (session) relating to (and making an appropriation).

g. **A BILL**

To create section (s) (or designated parts of sections) of chapter of the laws of (session) relating to (and making an appropriation).

4. **Forms a, b, c,** shall be used when a permanent general law is intended to be enacted, so that such acts may be included in the Wisconsin Statutes. A combination of any two, or of all of these forms shall be permitted whenever expedient, so that it may be possible to repeal, amend, and create sections of the statutes, relating to the same subject, in one bill.

Forms d, e, f, and g shall be used when local, private, special or temporary laws are intended to be enacted, which are not to be included in the Wisconsin Statutes. Combinations of any two or of all of these forms shall be permitted whenever expedient.

5. **No** private or local bill shall embrace more than one subject, as provided in the Constitution, article IV, section 18. The cases in which special or private bills are prohibited are determined by the Constitution, article IV, section 31.

6. **The** title shall be immediately followed by the enacting clause, the form of which is prescribed by the Constitution, article IV, section 17, viz.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7. **The** subject matter of the bill shall follow the enacting clause and be disposed in one or more sections. Each section of the subject matter shall begin in one of the following forms, corresponding to the title:

a. Section..... Section (s) (or designated parts of section) of the statutes is (are) repealed.

b. Section..... Section (s) (or designated parts of sections) of the statutes is (are) amended to read: Section.....

c. Section..... A(number) new section (s) is (are) added to the statutes to read: Section

d. Section..... (Provisions of private, local or temporary measure.)

e. Section..... Section (s) (or designated parts of sections) of chapter of the laws of is (are) repealed.

f. Section..... Section (s) (or designated parts of sections) of chapter of the laws of is (are) amended to read: Section

g. Section..... A (number) new section (s) (or designated parts of sections) is (are) added to (section or desig-

nated part of section of) chapter of the laws of to read: Section (or designated part of section)

8. All bills proposing amendments shall indicate the changes desired by showing the matter to be stricken out with a line through the words or part to be omitted, and all new matter with underscoring or italicising of the part inserted. The portions to be left unchanged shall be presented in ordinary typewriting or by Roman type, as required by section 20.08 of the statutes.

9. An enabling clause is not required in a bill, unless it is desired to make an act take effect at a time other than that prescribed by section 4975 of the statutes. Whenever an enabling clause is inserted in a bill, it shall constitute the last section of the bill, and be in substantially the following form:

This act shall take effect upon (passage and publication) (or a given date)

10. Sections to be inserted between two existing sections in chapters of the statutes that have not been revised by the revisor of statutes shall be assigned letters and figures according to the following plan:

925	925	925	925	925
925m	925g	925d	925b	925a
926	926m	925g	925d	925b
925	925m	925t	925x	925y
925m	925t	925w	925y	925z
926	926	926	926	926

and to fit rare instances when letters cannot be used, figures and letters set off by dashes may be used, as, for example, section 1345a—1, etc.

In chapters of the statutes in which the decimal system of numbering of sections has been applied, newly inserted sections shall be numbered as prescribed in section 20.18 of the statutes.

11. All sections, subsections or paragraphs of the statutes, and all other laws which are intended to be superseded or repealed, should be so far as practicable, specifically referred to and ex-

previously repealed, but this paragraph is not intended to affect judicial construction.

12. Either house may by motion or resolution except bills prepared by the revisor of statutes from the provisions of this rule, and may permit such bills to be accompanied by explanatory notes to be printed in the bill in eight point solid type immediately following the sections to which they respectively relate, but to constitute no part of the proposed act.

8. **Yeas and nays on appropriation bills.** On the passage of either house of any bill which imposes, continues or renews a tax or creates a debt or charge; or makes, continues or renews, an appropriation of public or trust money; releases, discharges or commutes a claim or demand of the state; the question shall be taken by yeas and nays which shall be duly entered on the journal, and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

9. **Presiding officer to sign enrolled bills.** When a bill shall have been duly reported as correctly enrolled, it shall be the duty of the chief clerk of the house in which it originated, to present the bill, first, to the presiding officer of the house in which it originated, and next, to the presiding officer of the other house, for their signatures, which duty shall be performed at as early an hour as possible.

10. **Enrolled bills to be submitted to governor.** After a bill shall have been signed by the respective presiding officers of the two houses, it shall be presented by the chief clerk of the house in which it originated, to the governor in the executive chamber, for his approval. The bill shall be accompanied by a transcript of the notations on the bill envelope, certified as correct by the chief clerk of the house where the bill originated.

11. **Similar action on resolutions, etc.** All resolutions and memorials, which are to be presented to the governor for his approval, shall, also in the same manner be previously examined, enrolled and signed.

12. **Book of enrolled bills.** It shall be the duty of the chief clerk of each house to keep a senate and assembly book of enrolled bills in which shall be accurately minuted the exact time at which each bill or resolution (indicating it by its number) was presented to the presiding officer of each house for

his signature, and the governor for his approval. Such book shall always be open for inspection and shall be deposited with the secretary of state, to be preserved by him at the close of the session. The book shall be substantially in the following form:

SENATE BILLS PRESENTED FOR SIGNATURE AND APPROVAL

No. of bill.	Presented to President.		Presented to Speaker.		Presented to Governor.	
	Date	Hour	Date	Hour	Date	Hour
No. 1, S.	Feb. 14	9 a. m.	Feb. 15	10 a. m.	Feb. 15	2 p. m.

And a like book for bills originating in the assembly shall be kept by the chief clerk thereof.

13. Bill recalled from governor. Whenever by joint resolution of the two houses, any bill or resolution shall have been recalled from the governor for further consideration, said bill or resolution shall after having been actually returned to the house where it originated be deemed to be before said house for its action thereon and may be reconsidered or otherwise acted upon without any reconsideration or other action thereon being first had in the other house. Any action taken shall then be messaged to the other house for its concurrence.

14. Adjournment. Neither house shall adjourn during any session thereof, without the consent of the other, for a longer period than three days.

15. Rescinding, amending, or suspending rules. No standing joint rule shall be rescinded or changed except by joint resolution adopted by a vote of at least two-thirds of the members present in each house, and unless there shall be unanimous consent for the suspension of the same the vote shall be taken by yeas and nays. Such resolution shall not be acted upon in either house without notice having been given by the printing of the resolution in the journal, except by unanimous consent.

These rules may be suspended in either house by vote of two-thirds of the members present. The vote shall be determined by yeas and nays unless unanimous consent be given.

By Special Committee on Rules.

Adopted.

EXECUTIVE COMMUNICATION.

Upon motion of Senator Kileen,
The nomination of L. A. Anderson for commissioner of insurance, was laid over until Thursday, February 6, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has amended, and concurred in as amended,

Jt. Res. No. 9, S.

Has concurred in

Jt. Res. No. 6, S., and

Has adopted, and asks concurrence in,

Jt. Resolution No. 6, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 6, A..

Referred to Calendar.

Upon motion of Senator Randolph,
The senate adjourned.

FRIDAY, JANUARY 24, 1913.

10.00 O'CLOCK A. M.

The senate met.

The president and the president pro tempore being absent,
The senate was called to order by the chief clerk.

Upon motion of Senator Scott,
Senator Teasdale was elected to preside for this session.

Prayer was offered by the Rev. H. A. Miner.

Upon motion of Senator True,
The calling of the roll was dispensed with.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator Huber offered one bill and Senator True offered one bill, which were referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 11, S. (Revision No. 39). By Senator Husting. To special committee on Conservation.

Jt. Res. No. 12, S. (Revision No. 40). By Senator Zophy. To special committee on Conservation.

Jt. Res. No. 13, S. (Revision No. 41). By Senator Zophy. To committee on State Affairs.

BILLS INTRODUCED.

Read first and second times and referred.

No. **27, S.** (Revision No. 25). By Senator Teasdale. To committee on Corporations.

No. **28, S.** (Revision No. 29). By Joint Committee on Finance. To calendar.

- No. **29, S.** (Revision No. 33). By Senator Kileen. To committee on Finance.
- No. **30, S.** (Revision No. 37). By Senator Husting. To committee on Education and Public Welfare.
- No. **31, S.** (Revision No. 42). By Senator Teasdale. To committee on Judiciary.
- No. **32, S.** (Revision No. 43). By Senator Teasdale. To committee on Judiciary.
- No. **33, S.** (Revision No. 28). By Senator Teasdale. To committee on State Affairs.
- No. **34, S.** (Revision No. 30). By Senator Teasdale. To committee on State Affairs.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. **2, S.**,

Passage.

Messrs. Kneen and Roethe dissenting.

GEORGE E. SCOTT,
Chairman Senate Committee.

R. J. NYE,
Chairman Assembly Committee.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Chamber.

To the Honorable, the Legislature:

Gentlemen: This is formally to notify you that pursuant to the statute governing, I have this day appointed the following members of the senate and assembly to constitute the visiting committee:

From the Senate:

Henry A. Huber of Stoughton.

George E. Hoyt of Menomonee Falls.

From the Assembly:

Andrew R. Potts of Waupaca.

E. J. Kneen of Bangor.

S. Clayton Goff of Elkhorn.

Martin Gorecki of Milwaukee.

The commissions of the members of this committee have been transmitted to the sergeant-at-arms of the senate and assembly.

Respectfully submitted,

FRANCIS E. McGOVERN,

January 23, 1913.

Governor.

ADJOURNMENT.

Upon motion of Senator Scott,

The senate adjourned until Monday, January 27, 1913, at 7:30 o'clock p. m.

MONDAY, JANUARY 27, 1913.

7:30 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. G. Updike, of the First Congregational Church, of Madison.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of Friday, January 24, 1913, was approved.

BILLS INTRODUCED.

Read first and second times and referred.

No. **35, S.** (Revision No. 4). By Senator Burke. To committee on Finance.

No. **36, S.** (Revision No. 44). By Senator Huber. To committee on Judiciary.

No. **37, S.** (Revision No. 45). By Senator True. To committee on State Affairs.

COMMUNICATION TO THE SENATE.

MADISON, Wisconsin, January 27, 1913.

Hon. F. M. WYLIE,

Chief Clerk Senate,

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents up to the present date.

Very truly yours,

J. S. DONALD,

Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation:

Wm. J., Buerger Jr, 1128 Erin St., Phone 3282, Madison, Wis., representing Brotherhood R. R. Trainmen of the State of Wisconsin, upon Railroad Legislation.

Jas. T. Guffin, 1632 Park Ave., Chicago, representing Allied Printing Trades Council, 59 E. Van Buren St., Chicago, Ill., upon Text books and Printing.

Jules Guthridge, 1530 22nd St., Washington, D. C., representing Panama Pacific Exposition of San Francisco, Cal., upon bills relating to Panama Pacific Exposition.

Norah Perkins Jeanson, Oshkosh, Wis., representing herself upon management of State Fair.

Julius H. Kiel, 897 Hackett Ave., Milwaukee, Wis., representing American Bankers Casualty Co., Milwaukee, Wis., 1012 Ry. Ex. Bldg., upon insurance and banking.

A. S. Merz, Madison, Wis., representing Brotherhood Locomotive Firemen and Enginemen, upon legislation affecting railway employees.

Edythe L. Tate, 314 Goldsmith Bldg., Milwaukee, Wis., representing Wis. State Tuberculosis Assn., 314 Goldsmith Bldg., Milwaukee, Wis., upon bills affecting tuberculosis.

John VanHecke, Merrill, Wis., lawyer, representing John O'Day, Merrill, Wis., upon contest Clark vs. O'Day.

E. E. Nash, Baraboo, Wis., representing C. & N. W. Ry., upon Legislation affecting Railroads.

ADJOURNMENT.

Upon motion of Senator Huber,
The senate adjourned.

TUESDAY, JANUARY 28, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. G. Updike.

The roll was called and the following senators answered to their names:

Senators Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Snover, Stevens, Tomkins, True, White, and Zophy—20.

Absent—Senators Browne, Burke, Hoyt, Husting, Kileen, Martin A. E., Richards, Teasdale, and Weissleder—9.

Absent with leave—Senator Ackley, Bichler, Skogmo, and Weigle—4.

The journal of yesterday was approved.

RESOLUTIONS FOR REVISION.

Senator Zophy offered one joint resolution, which was referred to committee on Revision.

BILLS FOR REVISION.

Senator Tomkins offered three bills, Senator White offered one bill, Senator True offered one bill, Senator Glenn offered one bill and Senator Zophy offered one bill, which were referred to committee on Revision.

RESOLUTIONS CONSIDERED.

Jt. Res. No. 6, A.,

Was concurred in by a unanimous rising vote.

Jt. Res. No. 6,, A.

Upon the public services and death of Judson G. Hart.

WHEREAS, Judson G. Hart, a former member of the Wisconsin legislature, and a pioneer of this state, born in a small village which is now grown to be the city of Wauwatosa, died in the city of Milwaukee on the 16th day of this month, in the seventy-first year of his age, and

WHEREAS, Mr. Hart was for many years prominent in the public life of this state, being a member of the assembly during the session of 1879, and holding various other positions of public trust, during all of which time he was an official of high ideals and devotion, and

WHEREAS, Mr. Hart not only gave of his time and spirit to the civil affairs of this state and its divisions, but also added to its glory and achievements by serving with company "B" of the first regiment of Wisconsin infantry volunteers in the war of the rebellion; therefore, be it

Resolved by the assembly, the senate concurring, That this expression of the legislature be incorporated in the official proceedings of this day, and be it further

Resolved, That a suitably engrossed copy of these resolutions be transmitted to the family of the deceased, attested by signatures of the president and chief clerk of the senate and the speaker and chief clerk of the assembly.

BILLS READY FOR ENGROSSMENT.

Upon request of Senator Scott,

All rules interfering were suspended by unanimous consent and
No. 2, S., and

No. 28, S.,

Were placed upon their final passage at this time.

No. 2, S.,

A bill to amend sections 111c, 111d, 111e, and 111f of the statutes, relating to subordinates of chief clerk and sergeant-at-arms of the senate, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, 0; absent or not voting, 13, as follows:

Ayes—Senators Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Snover, Stevens, Tomkins, True, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Browne, Burke, Hoyt, Husting, Kileen, Martin A. E., Richards, Skogmo, Teasdale, Weigle, and Weissleder—13.

And so the bill was passed.

Upon request of Senator Scott,
All rules interfering, were suspended by unanimous consent,
and No. 2, S., was ordered messaged to the assembly at once.

No. 28, S.,

A bill relating to expert and clerical assistants for the joint
committee on Finance, and making an appropriation therefor,
Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20;
noes, 0; absent or not voting, 13, as follows:

Ayes—Senators Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Snover, Stevens, Tomkins, True, White, and Zophy—20.

Noes—0.

Absent or not voting—Senators Ackley, Bichler, Browne, Burke, Hoyt, Husting, Kileen, Martin A. E., Richards, Skogmo, Teasdale, Weigle, and Weissleder—13.

And so the bill was passed.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

WEDNESDAY, JANUARY 29, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. E. G. Updike.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—26.

Absent—Senators Huber, Husting, Kileen, Richards, and Weissleder—5.

Absent with leave—Senators Bichler, and Skogmo—2.

LEAVE OF ABSENCE.

Upon request of Senator Scott,

Leave of absence was granted to all absentees for this session.

Upon request of Senator True,

Indefinite leave of absence was granted to Senator Huber.

Upon request of Senator Randolph,

Leave of absence was granted to Senator Husting for the remainder of this week.

The journal of yesterday was approved.

BILLS FOR REVISION:

Senator Teasdale offered eight bills, Senator True offered one bill and Senator Burke offered one bill, which were referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 14, S. (Revision No. 46). By Senator Zophy. To committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

No. **38, S.** (Revision No. 47). By Senator Tomkins. To committee on Corporations.

No. **39, S.** (Revision No. 48). By Senator Tomkins. To committee on Corporations.

No. **40, S.** (Revision No. 49). By Senator Tomkins. To committee on Corporations.

No. **41, S.** (Revision No. 50). By Senator White. To committee on Education and Public Welfare.

No. **42, S.** (Revision No. 51). By Senator True. To committee on Education and Public Welfare.

No. **43, S.** (Revision No. 52). By Senator Glenn. To committee on Corporations.

No. **44, S.** (Revision No. 53). By Senator Zophy. To committee on Judiciary.

COMMUNICATION TO THE SENATE.

JANUARY 29, 1913.

Hon. F. M. WYLIE,
Chief Clerk Senate,

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

John L. Callahan, 3606 Clifton Ave., Milwaukee, Wis., representing himself upon No. **40, A.**

Harry Dempsey, 37 31st St., Milwaukee, Wis., representing himself upon No. **40, A.**

John Edelmann, 617 6th St., Milwaukee, Wis., representing C. M. & St. P. Ry., Milwaukee, Wis., upon all bills.

Otto F. Hoppe, 3906 Vliet St., Milwaukee, Wis., representing himself upon No. **40, A.**

Arthur B. Jones, Local Treasurer C. N. W. Ry. Co., Chicago (Glencoe), Ill., representing C. N. W. Ry. Co., Chicago, Ill., upon time of pay and other matters of R. R. companies.

Thomas J. Kelly, 37 37th St., Milwaukee, Wis., representing himself upon No. **40, A.**

Louis F. Krueger, 471 31st Ave., Milwaukee, Wis., representing himself upon No. **40, A.**

Patrick McGusk, 110 $\frac{1}{2}$ 29th St., Milwaukee, Wis., representing himself upon No. **40, A.**

John O'Boyle, 1214 Grand Ave., Milwaukee, Wis., representing Wisconsin Funeral Directors Assn., Robt. H. Kruss, Secy. Sheboygan, Wis., upon legislation affecting funeral directors.

Andrew Penning Jr., 2005 Cherry St., Milwaukee, Wis., representing himself upon No. **40, A.**

E. F. Potter, Minneapolis, Minn., representing M. St. P. & S. S. M. Ry., upon All Railway Bills.

J. P. Plunkett, St. Paul, Minn., representing C. St. P. M. & O. Ry., upon All Railway Bills.

J. P. Regan, Grand Rapids, Wis., representing Wisconsin Funeral Directors Assn., Robt. H. Kross, Sec'y, Sheboygan, Wis., upon Legislation affecting Funeral Directors.

Ludwig Remhardt, 788 41st St. Milwaukee, Wis., representing himself upon No. **40, A.**

F. B. Seymour, 333 So. Jefferson St., Green Bay, Wis., representing Green Bay & Western R. R., Kewaunee, Green Bay & Western R. R., Alruapee & Western Ry., Iola & Northern Ry., upon all legislation affecting Railroads.

G. G. Scott, Paymaster C. M. & St. P. Ry., Milwaukee, Wis., representing himself upon bill No. **40, A.**

Frank Wendt, 826 38th St., Milwaukee, Wis., representing himself upon bill No. **40, A.**

Chauncey E. Blake, Madison, Wis., representing Wisconsin Electrical Asso., Stephenson Bldg., Milwaukee, Wis., upon bills affecting.

John B. Sanborn, Madison, Wis., representing Wisconsin Electrical Assn., Milwaukee, Wis., upon bills affecting.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 4:30 o'clock p. m.

4:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

BILLS FOR REVISION.

Senator Brown offered one bill, Senator Weigle offered one bill and Senator Linley offered four bills which were referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 15, S.,

Relating to the death of Harlan P. Bird.

Harlan Page Bird, a former member of the Wisconsin senate, soldier, statesman, philanthropist, and public benefactor, died at his home at Wausaukee, Marinette county, Wisconsin, Sunday, November 24, 1912.

Senator Bird was born at East Smithfield, Bradford county, Pennsylvania, August 2, 1838. In early youth he moved westward in the same state to Potter county, a region in the foothills of the Alleghenies. He received his early education in the schools of the community in which he resided, which at that time were rather limited, and fitted himself for a teacher which occupation he followed for a very brief time. At the age of twenty years, Senator Bird removed to Brooklyn where he was employed as bookkeeper and land surveyor by the Brooklyn Water Works. After a few years stay at Brooklyn he was sent by his employers to Marinette, Wis., to look after lumber interests at that place. This was in 1860, and Oshkosh was the terminus of the railroad running north from Milwaukee. After a stay of a year and a half at Marinette he answered Lincoln's call for volunteers, a call which even penetrated the somber stillness of the Wisconsin pineries, and enlisted in the 12th Wisconsin infantry as a private.

During his term of military service he was promoted from time to time, receiving commissions for 2nd lieutenant and 1st lieutenant, respectively, and found himself at the close of the war a captain by brevet. He took part in all the marches and battles of his regiment. At the siege of Vicksburg while on duty in the rifle pits he was shot through the leg, but after a brief furlough he rejoined his command in time to take part in the

300-mile march to Atlanta. He was with his regiment in the siege of Atlanta and went with Sherman on his famous march to the sea. In the latter part of service he acted for a time as adjutant and as quartermaster of his regiment, also as brigade adjutant, and as assistant quartermaster of the 17th army corps. He was finally mustered out of service on July 16, 1865, and returned to his home at Marinette. He went through the terrible experiences of the great Peshtigo fire, October, 1871, when forests, homes, and human life to the number of a thousand souls were destroyed.

Senator Bird was connected with several lumber companies, among them the New York company, afterwards the Menominee River Company, the Lake Shore Lumber Company, the Ludington, Wells & Van Schaick Company. His last and most prominent business enterprise was the organization of the Bird & Wells Lumber Company at Wausaukee in which concern he was interested at the time of his death. He was president of the Wausaukee State Bank, which institution he helped to organize.

He was elected state senator for the first district in the fall of 1902 and re-elected in the fall of 1906. His force of character and honesty in legislative work commanded the respect of all his associates. He aided in bringing into being the state park act, the state forestry act, and the Vicksburg monument commission. Of the latter body he was appointed a member and afterwards chairman to complete the arrangements for the dedication of a great memorial to commemorate the heroism of the Wisconsin soldiers who fought and died in the trenches at the siege of Vicksburg. He also took an active part in the legislation looking toward the conservation of the natural resources of the state. In every movement for public benefit and public betterment Senator Bird could always be found in the foreground. He also took a very active part in church and religious matters.

Therefore, as a mark of respect to his memory, be it

Resolved by the senate, the assembly concurring, The foregoing resolution be spread upon the journal of each house, and a copy thereof properly signed by the presiding officers and chief clerks of the two houses be forwarded to the family of Senator Bird at Wausaukee, Wisconsin.

By Senator Perry.

Adopted by a unanimous rising vote.

BILLS INTRODUCED.

Read first and second times and referred.

No. **45, S.** (Revision No. 56). By Senator Teasdale. To committee on Corporations.

No. **46, S.** (Revision No. 57). By Senator Teasdale. To committee on Corporations.

No. **47, S.** (Revision No. 59). By Senator Teasdale. To committee on Education and Public Welfare.

No. **48, S.** (Revision No. 60). By Senator Teasdale. To committee on State Affairs.

No. **49, S.** (Revision No. 61). By Senator Teasdale. To committee on Corporations.

No. **50, S.** (Revision No. 62). By Senator Teasdale. To committee on Corporations.

No. **51, S.** (Revision No. 63). By Senator Teasdale. To committee on Education and Public Welfare.

No. **52, S.** (Revision No. 54). By Senator Burke. To committee on State Affairs.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Department.

To the Honorable, the Senate:

Pursuant to the statute governing, I hereby nominate and by and with the advice and consent of the senate, appoint

Clemens P. Host of Milwaukee, to be state fire marshal, for the term ending on the 15th day of January, 1919.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

January 29, 1913.

Laid over under the rules.

ADJOURNMENT.

Upon motion of Senator Scott,
The senate adjourned.

THURSDAY, JANUARY 30, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. G. Updike.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—27.

Absent—Senators Kileen, Richards, Scott, and Weissleder—4.

Absent with leave—Senators Bichler and Husting—2.

LEAVE OF ABSENCE.

Upon request of Senator Bosshard,

Leave of absence was granted to Senator Scott until Tuesday, February 4, 1913.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator Teasdale offered two bills, Senator Browne offered three bills, Senator True offered two bills, Senator Albers offered one bill and Senator Bosshard offered one bill, which were referred to committee on Revision.

EXECUTIVE COMMUNICATION.

Upon request of Senator Randolph,

All rules interfering were suspended by unanimous consent, and the executive communication of January 29, 1913, relating to the appointment of Clemens P. Host as state fire marshal for the term ending January 15, 1919, was taken up at this time, and

Upon motion of Senator Randolph,
Was laid over until Thursday, March 6, 1913.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 4:00 o'clock p. m.

4:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

BILLS FOR REVISION.

Senator Linley offered one bill and Senator Ackley offered one bill, which were referred to the committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **53, S.** (Revision No. 58). By Senator Teasdale. To special committee on Highways.
- No. **54, S.** (Revision No. 64). By Senator Browne. To committee on Education and Public Welfare.
- No. **55, S.** (Revision No. 65). By Senator Weigle. To committee on Corporations.
- No. **56, S.** (Revision No. 66). By Senator Linley. To committee on Judiciary.
- No. **57, S.** (Revision No. 67). By Senator Linley. To committee on Corporations.
- No. **58, S.** (Revision No. 68). By Senator Linley. To committee on Judiciary.
- No. **59, S.** (Revision No. 69). By Senator Linley. To committee on Judiciary.

RESOLUTIONS INTRODUCED.

Res. No. 8, S.,

WHEREAS, There was transmitted to the senate on the fifteenth day of January, 1913, a communication by the governor submitting for the confirmation of the senate the appointment of Lewis A. Anderson as commissioner of insurance, vice Herman L. Ekern removed, and said appointment is now pending before the senate for confirmation, and a question has been raised as to whether there is a vacancy in said office of commissioner of insurance, and whether there has been any lawful removal; and

WHEREAS, It is charged that in the proceedings had in the making of said order of removal the governor acted without jurisdiction upon grounds not recognized by law, and that the official act of removal was not completed during the recess of the legislature, and that for these and other reasons said order is void; and

WHEREAS, It is further charged that the governor acted arbitrarily and without proofs, and that in the hearing before the governor the commissioner of insurance was not permitted to conclude his testimony, and that the governor refused to hear the testimony of material witnesses, including members of the legislature who demanded to be heard, and it is improbable that the full facts with relation to said matter will be developed in any action or proceeding in the courts relating to said matter; and

WHEREAS, The governor has appointed Lewis A. Anderson to temporarily fill the vacancy claimed to exist by reason of such removal, and such appointment was not made during a recess of the legislature; and Lewis A. Anderson, on the twenty-first day of January, 1913, attempted to qualify under said appointment by the filing of his oath and bond, and attempted to take possession of said office temporarily, pending action on such recommendation by the senate; and

WHEREAS, Since the making of said order down to the present time, Herman L. Ekern has continued to occupy said office of commissioner of insurance and discharge the duties thereof under the claim that the said order of removal is void; and it is charged that Lewis A. Anderson, while serving as actuary under and in the office of Herman L. Ekern, commissioner of insurance

secretly connived with Francis E. McGovern, governor, to be appointed to said office under said order of removal and to take immediate possession thereof; and it is charged that upon the refusal of Herman L. Ekern to vacate said office on the demand of Lewis A. Anderson, the said Lewis A. Anderson, aided by William L. Essmann, superintendent of public property, acting under the orders and direction of Francis E. McGovern, governor, without authority, attempted to batter down a door in the office of Herman L. Ekern, commissioner of insurance, and to seize and eject him from said office by force, and that such attempt only ceased upon the service of an injunctional order obtained by the said commissioner of insurance; and

WHEREAS, The office of commissioner of insurance is of high rank and dignity and of great importance to the people of the state; and

WHEREAS, The questions raised with regard to such removal of the commissioner of insurance and the appointment of another person in his stead may be raised in like manner with regard to other commissioners and members of other important commissions, such as the railroad, industrial and tax commissions, and it is important that the law should provide a definite and uniform method of removal; and

WHEREAS, Intelligent and proper action on the part of the senate, justice to the said commissioner of insurance, and the public interest, require that all the facts and circumstances relating to such removal or attempted removal and filing of any vacancy in such office, should be fully made known;

Resolved, That the senate do, on Wednesday, the fifth day of February, at 10:30 a. m., resolve itself into a committee of the Whole for the purpose of making full inquiry into the following matters and reporting thereon to the senate:

1. The charges made to the governor in the proceedings for removal of the said Herman L. Ekern as commissioner of insurance.

2. The proceedings had before the governor upon said charges and any proceedings or action thereon had subsequent thereto.

3. The facts surrounding the appointment of said Lewis A. Anderson, and the proceedings had thereon and subsequent thereto.

4. All matters relating to any attempt to take possession of

said office and to remove said Herman L. Ekern by force or otherwise.

Resolved further, That to secure an orderly and expeditious course of precedure, the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern, commissioner of insurance, be requested to appear by counsel and to present testimony; and that the presiding officer of the senate issue subpoenas requiring the attendance of the persons aforesaid, and of such other persons as designated by the aforesaid persons or by their attorneys.

Resolved further, That the chief clerk of the senate forthwith give notice to the aforesaid persons of the passage of this resolution.

By Senator Bosshard.

Adopted.

Res. No. 9, S.,

Resolved, That the secretary of state is hereby requested and directed to lay before the senate the record of the executive department on the appointment of a commissioner of insurance made during the session of 1911 under section 1966y of the statutes, and of all matters relating thereto and to the incumbency of said office of commissioner of insurance since the time of said appointment.

By Senator Bosshard.

Adopted.

ADJOURNMENT.

Upon motion of Senator Weigle,
The senate adjourned.

FRIDAY, JANUARY 31, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. F. G. Urdike.

Upon motion of Senator Teasdale,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

BILLS FOR REVISION

Senator Bosshard offered four bills, Senator Stevens offered one bill, and Senator Ackley offered one bill, which were referred to committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. 60, S. (Revision No. 70). By Senator Teasdale. To committee on State Affairs.

No. 61, S. (Revision No. 71). By Senator Teasdale. To committee on Education and Public Welfare.

No. 62, S. (Revision No. 72). By Senator Browne. To committee on Judiciary.

No. 63, S. (Revision No. 73). By Senator Browne. To committee on Judiciary.

No. 64, S. (Revision No. 74). By Senator Browne (by request). To committee on State Affairs.

No. 65, S. (Revision No. 75). By Senator True. To committee on Education and Public Welfare.

No. 66, S. (Revision No. 76). By Senator True. To committee on Education and Public Welfare.

No. 67, S. (Revision No. 77). By Senator Albers. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

JANUARY 31, 1913.

Hon. F. M. WYLLIE,
Chief Clerk, Senate.

Dear Sir: In compliance with the provisions of joint resolution No. 5, S. I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, residence and occupation of counsel, name and address of employer, and subject of legislation.

Geo. D. Bartlett, 502 Merrill Bldg., Milwaukee, Wis., representing Wis. Bankers Assn. upon banking legislation.

Chas. H. Kamke, Arbor Vitae, Wis., representing Vilas County upon forest reserve.

J. W. Pinch, Lac du Flambeau, Wis., representing Vilas County upon forest reserve.

C. S. Wilbur, 116 S. Henry St., Madison, Wis., representing Brotherhood of Locomotive Engineers upon all legislation affecting railway employes.

E. W. Knapp, Robbins, Wis., representing county board Oneida Co., upon legislation relating to forest reserve.

Henry Wubker, Sr., McNaughton, Wis., representing county board, Oneida County, upon legislation relating to forest reserve.

Oscar H. Piern, 217 Caswell Block, Milwaukee, Wis., representing Vilas county upon forest reserve.

D. S. Ahnaurode, 70—29th St., Milwaukee, Wis., representing himself upon No. **40, A.**

JANUARY 31, 1913.

Hon. F. M. WYLLIE,
Chief Clerk, Senate.

Dear Sir: I am transmitting herewith photostat copy of Senate Joint Resolution No. 2 and Senate Joint Memorial No. 2, adopted by the twenty-seventh legislative assembly of the State of Oregon.

Very truly yours,

J. S. DONALD,
Secretary of State.

Senate Jt. Memorial No. 2, State of Oregon,
Relating to Federal protection of migratory game birds.
Read and referred to committee on State Affairs.

Senate Jt. Res. No. 2, State of Oregon,
Relating to Polygamy.

Read and referred to committee on Education and Public Welfare.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 15, A.

And has concurred in

Jt. Res. No. 15, S.,

And bill No. **28, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 15, A.,

Was concurred in.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Ackley until Wednesday, February 5, 1913.

Upon request,

Leave of absence was granted to Senator Perry, until Wednesday, February 5, 1913.

ADJOURNMENT.

Upon motion of Senator Teasdale,

The senate adjourned until Monday, February 3, 1913, at 7:30 o'clock p. m.

MONDAY, FEBRUARY 3, 1913.

7:30 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Father P. B. Knox, of St. Patrick's Church, of Madison.

Upon motion of Senator Snover,

The calling of the roll was dispensed with.

The journal of Friday, January 31, 1913, was approved.

BILLS FOR REVISION.

Senator Browne offered one bill and Senator True offered one bill, which were referred to committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. **68, S.** (Revision No. 79). By Senator Linley (by request).
To committee on Judiciary.

No. **69, S.** (Revision No. 80). By Senator Ackley. To committee on Finance.

No. **70, S.** (Revision No. 81) By Senator Bosshard. To committee on Finance.

No. **71, S.** (Revision No. 82) By Senator Bosshard. To committee on Judiciary.

No. **72, S.** (Revision No. 83) By Senator Bosshard. To committee on Judiciary.

No. **73, S.** (Revision No. 84) By Senator Bosshard. To committee on Judiciary.

No. **74, S.** (Revision No. 85) By Senator Stevens. To committee on Judiciary.

No. **75, S.** (Revision No. 86) By Senator Ackley (by request).
To committee on Education and Public Welfare.

COMMUNICATIONS TO THE SENATE.

MADISON, January 30, 1913.

To the Honorable, the Legislature of the State of Wisconsin:

The board of regents of normal schools of the state of Wisconsin, pursuant to subsection 4 of section 406 A of the Statutes of the state, begs leave to submit herewith full plans, and estimates for building and equipping a normal school in the city of Eau Claire, on the grounds selected for a site by the board of regents and donated to the state by the city of Eau Claire.

The board also reports that it has caused a plan of the above grounds to be made by Mr. Phelps Wyman, landscape architect, of the city of Minneapolis, at an expense of \$155.18, and has expended for grading in accordance with such plans the sum of \$882.96. The fees of the architects for the plans and estimates for the building and the equipment of the same are being held in abeyance pending the action of your honorable body.

BOARD OF REGENTS OF NORMAL SCHOOLS.

THEO. KRONSHAGE, JR.,
President.

WM. KITTLE,
Secretary.

Read and referred to committee on Education and Public Welfare.

MADISON, February 3, 1913.

CHIEF CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: I am transmitting herewith claim of Alfred Yankauer against the State of Wisconsin, amounting to \$3,647.07.

Very truly yours,
J. S. DONALD,
Secretary of State.

Read and referred to committee on Finance.

ADJOURNMENT.

Upon motion of Senator Glenn,
The senate adjourned.

TUESDAY, FEBRUARY 4, 1913.
10:00 O'Clock A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Father P. B. Knox.

The roll was called and the following senators answered to their names:

Senators Bichler, Bishop, Browne, Culbertson, Cunningham, Glenn, Husting, Kellogg, Kileen, Linley, Martin H. C., Randolph, Skogmo, Snover, Teasdale, True, White, and Zophy—18.

Absent—Senators Albers, Bosshard, Burke, Hoyt, Huber, Martin A. E., Monk, Richards, Scott, Stevens, Tomkins, Weigle, and Weissleder—13.

Absent with leave—Senators Ackley and Perry—2.

LEAVE OF ABSENCE.

Upon request of Senator True,

Leave of absence was granted to Senator Scott for this session.

Upon request of Senator Browne,

Leave of absence was granted to Senator Monk for this session.

Upon request of Senator Skogmo,

Leave of absence was granted to Senator Tomkins for this session.

Upon request of Senator Glenn,

Leave of absence was granted to Senators Hoyt and Bosshard for this session.

The journal of yesterday was approved.

RESOLUTIONS FOR REVISION.

Senator Culbertson offered one joint resolution which was referred to the committee on Revision.

BILLS FOR REVISION.

Senator Zophy offered one bill, Senator Teasdale offered four bills and Senator Kileen offered two bills, which were referred to the committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. 76, S. (Revision No. 88). By Senator True. To committee on Education and Public Welfare.

No. 77, S. (Revision No. 87). By Senator Browne. To committee on Judiciary.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

WEDNESDAY, FEBRUARY 5, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Father P. B. Knox.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—30.

Absent—Senators Albers, Richards, and Weisleder—3.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator Kileen offered one bill, Senator Zophy offered one bill, Senator Skogmo offered one bill, Senator Kellogg offered one bill, Senator Burke offered two bills, Senator Cunningham offered one bill, Senator Bosshard offered two bills, and Senator Teasdale offered four bills, which were referred to the committee on Revision.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 16, S. (Revision No 89.). By Senator Culbertson.
To committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **78, S.** (Revision No. 55). By Senator True. To committee on Finance.
- No. **79, S.** (Revision No. 90). By Senator Zophy. To committee on Judiciary.
- No. **80, S.** (Revision No. 91). By Senator Teasdale. To committee on Judiciary.
- No. **81, S.** (Revision No. 92). By Senator Teasdale. To committee on Corporations.
- No. **82, S.** (Revision No. 93). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **83, S.** (Revision No. 94). By Senator Teasdale. To committee on Finance.
- No. **84, S.** (Revision No. 96). By Senator Kilean. To committee on Finance.

COMMUNICATIONS TO THE SENATE.

FEBRUARY 5, 1913.

CHIEF CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,

Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

G. R. Angell, Madison, Wis., representing himself upon Election Laws.

John L. Callahan, 3806 Clifton Ave., Milwaukee, Wis., representing himself upon No. **40, A.**

B. N. Moran, Rhinelander, Wis., representing Oneida County Board upon Forestry.

Emil T. Sudenklausz, Kewaunee, Wis., representing all matters affecting and pertaining to the City of Kewaunee and the Kewaunee High School District, upon all legislation affecting City of Kewaunee and High School District of Kewaunee. Wis.

Frank L. Fawcett, 14-75 Cawker Bldg., Milwaukee, Wis. Atty. at Law, representing himself upon Juvenile Court Bill.

Burr W. Jones, Madison, Wis., representing Greek Letter Societies, upon No. **136, A.**

H. F. Steele, Rhinelander, Wis., representing Oneida County, upon Reforestation.

COMMITTEE REPORT.

The chief clerk reports No. **28, S.**, correctly enrolled.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Office.

To the Honorable, The Senate:

Resolution Number 8, adopted by the senate late last Thursday, was presented to me Saturday morning. In response to the request it contains I herewith transmit this message in conformity with the provision of the Constitution that authorizes the governor to "communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration as he may deem expedient."

Your resolution requests me, as governor, Mr. Wilbur, my executive clerk, Mr. Anderson, whom I have appointed commissioner of insurance, and Mr. Ekern, whom I removed from office, "to appear by counsel and to present testimony," and you direct the presiding officer of the senate not only "to issue subpoenas requiring the attendance of the persons aforesaid" but also of "such other persons as designated by the aforesaid persons or by their attorneys."

The import of your resolution is therefore that a trial be had before you as a committee of the whole of the matters involved in the removal of Mr. Ekern and the appointment of his successor. In substance you seek to make myself, my executive clerk and Mr. Anderson one of the parties to the trial and Mr. Ekern the other party and you invite each to appear by counsel, and present witnesses; and you offer the aid of process at state expense to require the attendance not alone of such witnesses as you may think may be of assistance to your committee but of such other witnesses as any of the parties whom you have designated or their counsel may desire to have called in support of what you virtually treat as a controversy between the persons whom you have requested to come before you.

In all proceedings relating to the removal of Mr. Ekern as commissioner of insurance and the appointment of Mr. Anderson as his successor I acted solely in my executive capacity and in the exercise of what I conceived to be my duty as the governor of

this state. It must therefore be apparent to you that it is not competent for the senate or any committee thereof to review the proceedings thus had by a coördinate department of the state government. The responsibility of that department for what has been done is to the people and not to the senate or any of its committees. In the decision of one of its first cases (Attorney General *ex rel.* Taylor vs. Brown, 1 Wis. 513-522) the supreme court of this state, speaking upon the subject of the independence and separateness of the several departments of government used the following language:

"The policy of our Constitution and laws has assigned to the different departments of the state government, distinct and different duties, in the performance of which it is intended that they shall be entirely independent of each other; so that whatever power or duty is expressly given to or imposed upon the executive department, is altogether free from the interference of the other branches of the government. Especially is this the case, where the subject is committed to the *discretion* of the chief executive officer either by the Constitution or by the laws. So long as the power is vested in him it is to be by him exercised, and no other branch of the government can control its exercise."

You are all aware, moreover, that a proceeding is now pending in the circuit court for Dane county, brought by Mr. Ekern, in which he seeks to prevent Mr. Anderson from taking possession of the office of commissioner of insurance; that in such proceeding each of the matters of your inquiry has been made the subject of affidavits and of argument presented to the court, and that such proceeding is now pending before that court for determination. If respect for the court in which the above proceeding is now under consideration were not sufficient to prompt me to decline your request that I or my executive clerk should appear before you by counsel, or present testimony before you, or otherwise participate in what you have assumed to make an attempted review of my action as the chief executive of this state, certainly regard for the dignity of the office of governor of this state demands that your request be declined. With due respect for your honorable body I must therefore refuse to participate in any hearing before you involving a review of my action as governor in removing Mr. Ekern and appointing Mr. Anderson.

My action in this behalf was purely executive in character and I cannot submit to any examination by the senate concerning it nor undertake to justify it to the senate. So far as the hearing before me is reviewable at all the appeal should be made not to the senate but to the courts.

Apart from the foregoing considerations, proper attention to the duties of my office will not permit me or my executive clerk to engage in any such protracted trial or hearing as that contemplated by your resolution.

I recognize your right to conduct a proper investigation calculated to aid you legitimately in the formulation of new laws and in the amendment or repeal of existing laws. But so far as executive aid along these lines is serviceable it would seem that the Constitution of the state has pointed the way in which it should be communicated to you: namely, by message from the governor. It is manifest moreover that as to any legislation even remotely suggested by your resolution a review of executive action in the case of Mr. Ekern can furnish no legitimate aid; but were the fact otherwise the records in my office and on file with the clerk of the circuit court for Dane county, all of which are open and readily accessible to you, will serve every legitimate purpose that can possibly be accomplished by the hearing you propose.

I also recognize that incident to the exercise of the power of confirmation you have the right to inform yourselves concerning the qualifications of Mr. Anderson for the office of commissioner of insurance. But no review of executive action in removing Mr. Ekern can throw light upon this question. If Mr. Ekern was unlawfully removed, confirmation by you of Mr. Anderson can in no way affect the rights of Mr. Ekern or displace him as insurance commissioner. If, on the contrary, he was lawfully removed, no action under your resolution can make his removal unlawful or reinstate him. Thus the question of whether or not there was a vacancy in the office of commissioner of insurance when Mr. Anderson was appointed is not a matter that can properly come before the senate in any view of the case. Only by proper proceeding in the courts may the respective claims either of Mr. Ekern or of Mr. Anderson to this office be determined. An attempted review by you of the proceedings of removal not only trenches upon the executive department of government but will tend to embarrass

rather than aid the judiciary in the ultimate determination of any question that may be presented to it. Hence, I feel that it would not be proper for me to participate in any attempt that may be made here to review what I did in removing Mr. Ekern or to countenance a proceeding which may be looked upon as calculated to influence or possibly to coerce a coördinate department of the state government.

Thus to encroach upon the authority of the other two great branches of the state government cannot I am sure be your deliberate conception of "an orderly and expeditious course of procedure."

While it is unusual if not unprecedented for the governor of the state to be called upon to present to the senate his views of the qualifications of one whom he has appointed to public office and whose appointment is pending in the senate for confirmation, I respond to this subject of inquiry on your part by saying that the mere fact that I have appointed Mr. Anderson is probably the best testimonial I can give concerning my estimate of his fitness for the place. All the reports I have received concerning him indicate that he has the requisite ability, education, experience, training, and special fitness for the office to which he has been appointed. Not only has he not connived with me, as your resolution suggests, while serving as actuary in the office of the commissioner of insurance, to be appointed to said office, but the fact is that the appointment came to him without any solicitation whatever on his part. He had nothing to do with the removal of his predecessor. No evidence, no suggestion and no opinion of any sort came to me from him directly or indirectly concerning the complaint against Mr. Ekern or the evidence by which it might be sustained. Indeed for almost a year prior to the removal of Mr. Ekern and for some days afterward I had no communication of any sort whatever, direct or indirect, with Mr. Anderson. So far as I know no one can possibly be clearer than he of connection with the matters that terminated in the removal of Mr. Ekern. When the appointment was first offered to him by me a number of days after Mr. Ekern had been removed it was with the express injunction that the statute making the place non-political should be observed; and in response to this suggestion Mr. Anderson replied that this was the only condition upon which he would accept the place.

In regard to that portion of your resolution which recites that the "attempt to take possession of said office and to remove said Herman L. Ekern by force or otherwise" should be investigated, permit me to remind you that this is one of the elements of the controversy that has been presented by Mr. Ekern in the judicial proceeding now pending in the circuit court. It is no doubt within the knowledge of every member of the senate that neither I nor my executive clerk personally know anything about what took place in the office of the commissioner of insurance, and that the respective claims of the parties to the existing litigation with regard to that matter constitute a part of the record in the office of the clerk of the circuit court for Dane county. Permit me to add, however, that I conceive it to be the duty of the chief executive of this state, if the office, books, records, or moneys of the state are withheld from the proper custodian, to eject by force, if need be, him who unlawfully withholds them.

Every resolution and act passed by this honorable body should be entitled to the presumption of good faith. I have endeavored so to regard this resolution. But it has not been an easy task. As a single illustration of what I mean, it refers three separate times to Mr. Ekern as the present commissioner of insurance, although he has been formally removed by me as governor, and his successor appointed, who has duly qualified, and whose confirmation is now pending before you. I prefer to regard these averments as mere inadvertencies rather than as expressive of an intention to reflect upon the action of a coördinate branch of the state government. I am sure they do not represent that spirit of respect for the executive department of government entertained by the senate as a whole.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

February 5, 1913.

At 10:30 o'clock a. m., Senator Randolph moved, that the senate resolve itself into a committee of the whole, under Res. No. 8, S.

Senator Browne asked that the senate return to order of business No. 14, before voting on the motion of Senator Randolph.

Senator Bosshard objected.

Senator Browne rose to a point of order that the motion to resolve into a committee of the whole was out of order because the calendar was unfinished.

The president held that the hour of 10:30 having arrived, under Res. No. 8, S., the point was not well taken.

Senator Burke rose to a question of parliamentary inquiry, whether the question to resolve itself into a committee of the whole is debatable.

The president answered that this motion was debatable.

Senator Burke addressed the senate, discussing the subject matter of Res. No. 8, S.

The president called Senator Burke to order, stating that the debate must be confined to the question before the senate.

Senator Browne addressed the senate discussing the subject matter of Res. No. 8, S.

Senator Randolph rose to a point of order, that Senator Browne was not speaking on the question before the senate.

The president held that the point of order was well taken.

Senator Martin rose to a point of order, that Res. No. 8, S., providing that the senate resolve itself into a committee of the whole, it was the duty of the president to declare the senate resolved into a committee of the whole and to name the chairman of the committee.

The president held that the senate could not resolve to resolve itself into a committee of the whole at a future date and hence that the point was not well taken.

Senator Browne rose to a question of parliamentary inquiry, if the question whether the senate has jurisdiction in the subject matter of Res. No. 8, S., is not germane to the question, "Shall the senate resolve itself into a committee of the whole?"

The president held that debate upon the subject matter of Res. No. 8, S., was not in order.

The ayes and noes being demanded, on Senator Randolph's motion, that the senate resolve itself into a committee of the whole,

The vote was: Ayes, 23, noes, 6; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, True, Weigle, White, and Zophy—23.

Noes—Senators Browne, Burke, Hoyt, Kileen, Stevens, and Tomkins—6.

Absent or not voting—Senators Albers, Martin A. E., Richards, and Weissleder—4.

And so the senate resolved itself into a committee of the whole.

Senator Scott in the chair.

At 11:45 o'clock a. m.,

The committee of the whole arose.

The president pro tempore took the chair.

The chairman of the committee of the whole reported that the committee has had under consideration the matter referred to it by Res. No. 8, S., and has made progress.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 2:00 o'clock p. m.

2:00 O'CLOCK P. M.

The senate was called to order by the president.

Upon motion of Senator Randolph,

The senate resolved itself into a committee of the whole.

Senator Scott in the chair.

At 5:30 o'clock p. m.,

The committee of the whole arose and

The president took the chair.

The chairman reported that the committee of the whole has had under consideration the matter referred to it by Res. No. 8 S., and has made progress.

RECESS.

Upon motion of Senator Cunningham,

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

Upon motion of Senator Randolph,

The senate resolved itself into a committee of the whole.

Senator Scott in the chair.

At 11:00 o'clock p. m.,

The committee of the whole arose.

The president took the chair.

The chairman of the committee of the whole reported that the committee has had under consideration the matter referred to it by Res. No. 8, S., and has made further progress.

ADJOURNMENT:

Upon motion of Senator Bishop,

The senate adjourned.

11—S. J.

THURSDAY, FEBRUARY 6, 1913.

10:00 O'CLOCK, A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Father P. B. Knox.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bishop, Bosshard, Browne, Burke Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—32.

Absent—Senators Albers—1.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator Kileen offered one bill, Senator Burke offered two bills, Senator Kellogg offered one bill, and Senator Culbertson offered one bill, which were referred to committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. **85, S.** (Revision No. 95). By Senator Kileen. To committee on Finance.

No. **86, S.** (Revision No. 98). By Senator Zophy. To committee on Judiciary.

No. **87, S.** (Revision No. 99). By Senator Skogmo. To committee on Judiciary.

No. **88, S.** (Revision No. 100). By Senator Kellogg. To committee on Judiciary.

- No. **89, S.** (Revision No. 101). By Senator Cunningham. To committee on Finance.
- No. **90, S.** (Revision No. 102). By Senator Burke. To committee on Finance.
- No. **91, S.** (Revision No. 103). By Senator Burke. To committee on Education and Public Welfare.
- No. **92, S.** (Revision No. 106). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **93, S.** (Revision No. 107). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **94, S.** (Revision No. 108). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **95, S.** (Revision No. 109). By Senator Teasdale. To committee on State Affairs.
-

COMMUNICATION TO THE SENATE.

FEBRUARY 6, 1913.

CHIEF CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Thomas M. Ferguson, 135 Brittingham Place, Madison, Wis., plumber, representing Wisconsin State Association Journeyman Plumbers, upon plumbing and sanitation and public health.

C. J. Reynolds, 251—36th st., Milwaukee, Wis., representing Fred Miller Brewing Co., Milwaukee, upon all legislation affecting employer's interests.

Henry F. Tyrrell, 159 New Insurance Bldg., Milwaukee, Wis., representing The Northwestern Mutual Life Insurance Co., upon all legislation affecting employer's interests.

W. H. Austin, 915 Majestic Bldg., Milwaukee, Wis., representing Wisconsin Brewers' Ass'n, Milwaukee, upon excise matters.

R. A. Hollister, Oshkosh, Wis., representing City of Oshkosh, upon municipal legislation of all kinds.

COMMITTEE REPORT.

The committee on Judiciary report and recommend:
No. 6, S.,
Passage.

E. F. KILEEN,
Chairman.

Upon request of Senator Kileen,
All rules interfering were suspended by unanimous consent and,
No. 6, S.,
Was placed upon its final passage at this time.
No. 6, S.,
Was read a third time, and
Passed.
Upon request of Senator Kileen,
All rules interfering, were suspended by unanimous consent,
and
No. 6, S.,
Was ordered messaged to the assembly at once.

EXECUTIVE COMMUNICATION.

Upon motion of Senator Bosshard,
The nomination of L. A. Anderson for commissioner of insurance was laid over until 7:30 o'clock p. m.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.
Mr. PRESIDENT:
I am directed to inform you that the assembly has concurred in
No. 6, S.
And has adopted, and asks concurrence in,
Jt. Res. No. 4, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 4, A.,
Read first and second times, and
Referred to the committee on Judiciary.

At 10:20 o'clock a. m.,
Upon motion of Senator Bosshard,
The senate resolved itself into a committee of the whole,
Senator Scott in the chair.

At 12:00 o'clock m.,

The committee of the whole arose.

The president took the chair.

The chairman of the committee of the whole reported that the committee has had under consideration the matter referred to it by Res. No. 8, S., and has made further progress.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Burke and Perry until Tuesday, February 11, 1913.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 1:30 o'clock p. m.

1:30 O'CLOCK P. M.

The senate was called to order by the president.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has amended, and concurred in as amended,

No. 2, S.

ASSEMBLY MESSAGE CONSIDERED.

Upon request of Senator Randolph,

All rules interfering, were suspended by unanimous consent, and

No. 2, S.,

Was taken up at this time.

No. 2, S.

Senator Randolph moved that the senate non-concur in Substitute Amendment No. 1, A., and Amendment No. 3, A., to No. 2, S., and ask for a committee on conference.

Motion prevailed, and

The president appointed as such committee on the part of the senate, Senators Scott, Randolph and Huber.

At 2:10 o'clock p. m.,

Upon motion of Senator Bosshard,

The senate resolved itself into a committee of the whole,
Senator Scott in the chair.

At 4:45 o'clock p. m.,

The committee of the whole arose.

The president took the chair.

The chairman of the committee of the whole reported that the committee has had under consideration the matter referred to it by Res. No. 8, S., and has made further progress.

RECESS.

Upon motion of Senator Bishop,

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

BILLS FOR REVISION.

Senator Snover offered one bill, Senator White offered one bill, Senator Bosshard offered one bill and Senator Ackley offered one bill, which were referred to committee on Revision.

RESOLUTION INTRODUCED.

Res. No. 10, S.,

Resolved, That senate rule 20 be amended by adding thereto the following:

The senate members of the joint committee on Finance shall constitute a standing committee on Contingent Expenditures to perform the duties prescribed by section 127—1 of the statutes.

By Special Committee on Rules.

Upon request of Senator Randolph,
All rules interfering were suspended by unanimous consent, and
Res. No. 10, S.,
Was taken up for adoption at this time.

The ayes and noes were required, and the vote was: Ayes, 20;
noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Bishop, Cunningham, Glenn, Huber,
Kellogg, Kileen, Martin A. E., Monk, Randolph, Richards,
Scott, Snover, Stevens, Teasdale, Tomkins, True, Weissleder,
White, and Zophy—20.

Noes—Senator Culbertson—1.

Absent or not voting—Senators Albers, Biehler, Bosshard,
Browne, Burke, Hoyt, Husting, Linley, Martin H. C., Perry,
Skogmo, and Weigle—12.

And so the resolution was adopted.

BILLS INTRODUCED.

Read first and second times and referred.

No. **96, S.** (Revision No. 110). By Senator Kellogg. To com-
mittee on State Affairs.

No. **97, S.** (Revision No. 111). By Senator Burke. To com-
mittee on Finance.

No. **98, S.** (Revision No. 112). By Senator Kileen. To com-
mittee on Education and Public Welfare.

No. **99, S.** (Revision No. 114). By Senator Culbertson. To
committee on Corporations.

No. **100, S.** (Revision No. 78). By Senator Bosshard. To
committee on Corporations.

No. **101, S.** (Revision No. 105). By Senator Bosshard. To
committee on Finance.

COMMITTEE REPORTS.

The chief clerk reports Jt. Res. No. 15, S., correctly enrolled.

At 9:55 o'clock p. m.,

Upon motion of Senator Randolph,
The senate resolved itself into a committee of the whole,
Senator Scott in the chair.

At 11:20 o'clock p. m.,

The committee of the whole arose.

The president took the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The committee of the whole of the senate of Wisconsin, by its chairman, hereby makes the following report to the senate:

The senate of the state of Wisconsin on Wednesday, the 5th day of February, A. D. 1913, at 10:30 o'clock a. m., in pursuance of senate resolution No. 8, S., duly adopted at a regular session of the senate on Thursday, January 30th, A. D. 1913, resolved itself into a committee of the whole, for the purpose of making full inquiry into the matters and things set forth in said resolution.

That in pursuance of said resolution and as directed thereby, the chief clerk of the senate, upon the adoption of the same, forthwith gave notice to Francis E. McGovern, governor of Wisconsin, Harry Curran Wilbur, complainant before the governor, Lewis A. Anderson, and Herman L. Ekern, by delivering to each of said persons a true copy of the original resolution No. 8, S., and taking the receipt of each of said persons therefor.

That further, pursuant to said resolution, the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern, were each duly subpoenaed by Charles A. Leicht, sergeant-at-arms of the senate of Wisconsin, and were commanded by the terms of said subpoena to appear before the senate in committee of the whole on Wednesday, February 5th, A. D. 1913, at 10:30 o'clock a. m., to testify fully in regard to the matters to be inquired into, which said subpoenas were duly and personally served on said named persons and due return made thereon.

That thereafter, from time to time during the course of said inquiry and proceedings, other persons were duly subpoenaed and appeared and testified.

That by the terms of said resolution No. 8, S., the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern were invited and requested to appear by counsel and to present testimony; that during said proceedings and inquiry the said Herman L. Ekern appeared in person and by his attorneys, John A. Aylward and M. B. Olbrich; that said Lewis A. Anderson and Harry Curran Wilbur appeared in person pursuant to subpoena; that the said Francis E. McGovern, governor, ap-

peared neither in person nor by attorney; that the said Francis E. McGovern, governor, did, however, transmit to the senate a message in writing refusing and declining to appear at such inquiry or in anywise to participate therein, and refused to obey the subpoena served upon him.

That the said committee of the whole, from time to time thereafter, pursued its inquiry and duly reported progress to the senate.

That the said committee received and took testimony of all persons produced and sworn before it, and no further witnesses being subpoenaed, offered or produced, and no further evidence having been offered or submitted, and all parties having been fully heard, and the said committee having made a full, complete, impartial and careful investigation and inquiry relating to the matters provided by said resolution No. 8, S., and counsel for said Herman L. Ekern having addressed the committee, and the committee having fully considered all the evidence offered, and being fully and fairly advised in the premises,—the said committee, by its chairman, hereby makes and offers the following findings of fact as established by the clear and uncontradicted evidence:

First: That the charges made and preferred in the affidavit and complaint of Harry Curran Wilbur are untrue and without foundation in fact.

Second: That on Sunday, January 5, 1913, and before any charges had been preferred or filed against said Herman L. Ekern or any hearing had thereon, Francis E. McGovern, governor of Wisconsin, stated and declared to Nils P. Haugen, a member of the Wisconsin Tax Commission, that he had determined and it was his purpose to remove said Herman L. Ekern from the office of commissioner of insurance.

Third: That the said Francis E. McGovern, governor, on said last named date, consulted and advised with the said Nils P. Haugen, tax commissioner, as to the advisability of appointing Lewis A. Anderson as successor to Herman L. Ekern, commissioner of insurance, and inquired as to his fitness and qualifications and his standing among the Norwegians of Wisconsin.

Fourth: That on Tuesday, January 7, 1913, and before any charges had been preferred or filed against said Herman L. Ekern, or any hearing had thereon, the said Francis E. Mc-

Govern, governor, F. M. Wilcox, state claim agent, and legal adviser to the governor, and Harry C. Wilbur, executive clerk, counseled and advised with A. F. Belitz, assistant revisor of the Wisconsin statutes, with reference to the power of the governor to remove the said Herman L. Ekern, commissioner of insurance, without hearing or trial.

Fifth: That at the request of the said Francis E. McGovern, governor, F. M. Wilcox and Harry C. Wilbur, the said A. F. Belitz on the said 7th day of January, 1913, prepared a form of affidavit and complaint for the removal of the said Herman L. Ekern, commissioner of insurance, and also prepared a blank form of order for the removal of the said commissioner of insurance, before any hearing had been had on said affidavit.

Sixth: That on Wednesday, January 8, at 10:40 a. m., the said A. F. Belitz, under direction of the said governor, prepared a complete order of removal of said Herman L. Ekern as commissioner of insurance, leaving blank the date and place of signature by the governor, which said last-named order is the identical order of removal thereafter signed by the governor and served on the said Herman L. Ekern, commissioner of insurance; and that the said last-named order was prepared and transcribed before the conclusion of the hearing before the governor, hereinafter referred to, for the removal of said Herman L. Ekern, and before the said Herman L. Ekern had testified in his own behalf.

Seventh: That said affidavit and complaint, duly verified by Harry C. Wilbur, executive clerk, together with an order to show cause why the said Herman L. Ekern should not be removed from the office of commissioner of insurance, was duly served upon the said Herman L. Ekern at 8:50 a. m., January 8, 1913; that is to say, ten minutes before said order to show cause was made returnable.

Eighth: That immediately upon the service of said order to show cause upon him, the said Herman L. Ekern engaged his counsel, John A. Aylward and M. B. Olbrich, by telephone, and was able to reach only a few witnesses whose testimony was necessary to his defense. That thereupon the said Herman L. Ekern, with counsel and witnesses, immediately appeared before the governor.

Ninth: That one-half hour was allowed by the governor to

the said Herman L. Ekern to consult with his attorneys and witnesses and to prepare an answer to said complaint. That said Herman L. Ekern and counsel moved for postponement of said hearing to some time later in said day, and repeatedly requested further opportunity and time for preparation; but said motion was overruled and said requests repeatedly refused, and the governor directed the hearing to proceed forthwith.

Tenth: That thereupon witnesses for the complainant were sworn and testified, and after the conclusion of such testimony Herman L. Ekern was sworn on his own behalf. That before the examination in chief of the said Herman L. Ekern in his own behalf had been concluded, the governor declared the hearing at an end, and repeatedly declared and insisted that said hearing must and would conclude before twelve o'clock noon of said day.

Eleventh: That at 11:50 a. m., and before the said Herman L. Ekern had concluded his testimony, and such other witnesses of the said Herman L. Ekern, who were then and there present and ready to testify were permitted to be sworn, the said governor summarily concluded said hearing and announced his findings sustaining said complainant and ordering the removal of the said Herman L. Ekern, commissioner of insurance, from office. That thereupon the said governor dated and signed the said order of removal, previously prepared as hereinbefore set forth.

Twelfth: That the said Herman L. Ekern did not have a fair and impartial hearing. That said hearing was arbitrary and not conducted in good faith.

Thirteenth: That the said Herman L. Ekern on January 1, 1913, at the request of one L. L. Johnson, then a candidate for speaker of the Wisconsin assembly, engaged by telephone two certain rooms for the said L. L. Johnson at the Avenue Hotel in the city of Madison, which said rooms were thereafter used by the said L. L. Johnson as a campaign headquarters in the furtherance of his said candidacy as speaker. That the said Herman L. Ekern at no time entered or visited said rooms and at no time exercised or had any supervision or control over them, and that said rooms were at all times wholly under the control and supervision of the said L. L. Johnson. That the said Herman L. Ekern, neither by letter, telephone, or otherwise,

solicited or requested the support of any member of the Wisconsin assembly in the behalf of the candidacy for the speakership of the assembly. That the said Herman L. Ekern was not the manager of the candidacy or the campaign of the said L. L. Johnson, or of any person for the speakership, and was in no wise connected with the campaign of any person or committee, or in any wise in charge of the candidacy or campaign for the speakership of any person whatsoever. That the said L. L. Johnson in his candidacy for the speakership of the assembly had no campaign manager, secretary, or campaign committee, but conducted his campaign in person and alone.

Fourteenth: That the said Herman L. Ekern, commissioner of insurance, at all times since his appointment and qualification to said office, has faithfully, honestly, and ably discharged the duties of said office. That at no time during his incumbency in said office has he neglected the duties thereof, nor has he at any time been guilty of any willful or official misconduct or neglect of any duty pertaining thereto.

The question was, Shall the report of the committee of the whole be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 22, noes, 6, absent or not voting, 5, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, True, Weissleder, White, and Zophy—22.

Noes—Senators Hoyt, Kileen, Martin A. E., Snover, Stevens, and Tomkins—6.

Absent or not voting—Senators Albers, Browne, Burke, Perry, and Weigle—5.

And so the report was adopted.

EXECUTIVE COMMUNICATION.

Senator Kileen moved that the confirmation of L. A. Anderson for commissioner of insurance be laid over until Thursday, February 20, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 7; noes, 21; absent or not voting, 5, as follows:

Ayes—Senators Glenn, Hoyt, Kileen, Snover, Stevens, Teasdale, and Tomkins—7.

Noes—Senators Ackley, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, True, Weissleder, White, and Zophy—21.

Absent or not voting—Senators Albers, Browne, Burke, Perry, and Weigle—5.

And so the senate refused to lay the confirmation over.

The question was, Shall the nomination, by the governor, of L. A. Anderson for commissioner of insurance for the term ending June 30, 1915, be confirmed?

The ayes and noes were required, and the vote was: ayes, 4; noes, 22; paired, 2; absent or not voting, 3, as follows:

Ayes—Senators Hoyt, Kileen, Snover, and Stevens—4.

Noes—Senators Ackley, Biehler, Bishop, Bosshard, Cuberltsen, Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, White, and Zophy—22.

Paired—Senator Burke for the confirmation, and Senator Perry against the confirmation—2.

Absent or not voting—Senators Albers, Browne, and Weigle—3.

And so the senate refused to confirm the nomination.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

FRIDAY, FEBRUARY 7, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Father P. B. Knox.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, White, and Zophy—24.

Absent—Senators Albers, Bishop, Browne, Randolph, Richards, Weigle, and Weissleder—7.

Absent with leave—Senators Burke and Perry—2.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Hoyt until Saturday, February 15, 1913.

Upon request of Senator Kileen,

Leave of absence was granted to Senator Browne for this session.

The journal of yesterday was approved.

RESOLUTIONS FOR REVISION.

Senator Hustung offered one joint resolution which was referred to committee on Revision.

BILLS FOR REVISION.

Senator Browne offered one bill, Senator Tomkins offered five bills, Senator Linley offered two bills, Senator Hustung offered two bills, Senator True offered one bill, Senator Glenn offered one bill,

Senator A. E. Martin offered three bills, Senator Hoyt offered two bills and Senator Zephy offered one bill, which were referred to committee on Revision.

COMMUNICATION TO THE SENATE.

FEBRUARY 7, 1913.

CHIEF CLERK *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

J. A. Dorney, 430 W. Gorham St., Madison, Wis., representing himself upon No. **136, A.**

Harold Eckhart, 226 W. Gilman St., Madison, Wis., representing himself upon No. **136, A.**

J. E. Hanzlik, Madison, Wis., representing himself upon No. **136, A.**, and Banking subjects, also representing C. & S. C. Ry., Cazenovia, Wis., upon Railroads, Legislation affecting Banking and Railroads.

Clara B. Hipke, 3021 Cedar St., Milwaukee, Wis., representing herself upon Legislation affecting Public Health, Charities, and Woman Suffrage.

Charles F. Jones, 1424 Washington Boul., Chicago, Ill., representing Franklin's Laboratory, 3252 Wallace St., Chicago, Ill., upon all legislation affecting Proprietary Remedies and Transient Merchants.

Carl Neprud, 308 N. Frances St., Madison Wis., representing himself upon Anti-Fraternity Bill No. **136, A.**

August Rebhan, 303 Mitchell Bldg., Milwaukee, Wis., representing Milwaukee Board of Fire Underwriters, Mitchell Bldg., Milwaukee, upon legislation affecting fire insurance.

Francis J. Rickert, 302 Mayer Bldg., Milwaukee, Wis., secretary Wisconsin Wholesale Grocers' Ass'n, representing Wisconsin Wholesale Grocers' Ass'n, 302 Mayer Bldg., Milwaukee, upon matters affecting grocery interests.

Richard T. Reinholdt, 502 University Avenue, Madison, Wis., representing himself upon No. **136, A.**

R. O. Rusch, 27 E. Arndt St., Fond du Lac, Wis., representing Brotherhood of Railroad Trainmen, upon legislation affecting railroad employees.

M. Slattery, Secy. Milwaukee Retail Grocers' Ass'n, and Wisconsin Retail Grocers' and Gen'l Merchants' Ass'n, 208 Mayer

Bldg., Milwaukee, Wis., representing Milwaukee Retail Grocers' Ass'n and Wis. Retail Grocers' and General Merchants' Ass'n, 208 Mayer Bldg., Milwaukee, Wis., upon legislation affecting the interests of Retail Merchants.

S. Schecter, Student at U. of W., representing himself upon No. **136, A.**

Geo. E. O'Connor, Eagle River, Wis., Vilas County District Attorney, representing Vilas County, upon all matters affecting Vilas County.

COMMITTEE REPORT.

The committee on State Affairs report and recommend:

No. **8, S.**,

Passage.

No. **18, S.**,

Indefinite postponement.

Jt. Res. No. 13, S.,

Adoption.

M. F. WHITE,
Chairman.

Senator Kellogg, by unanimous consent, withdrew No. **88, S.**

Upon request of Senator H. C. Martin and with unanimous consent,

The chief clerk was authorized to receive all bills offered for revision at any time until the next session.

ADJOURNMENT.

Upon motion of Senator H. C. Martin,

The senate adjourned until Monday, February 10, 1913, at 8:00 o'clock p. m.

MONDAY, FEBRUARY 10, 1913.

8:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. G. E. Hunt of Christ Presbyterian Church of Madison.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of Friday, February 7, 1913, was approved.

Upon motion of Senator Bosshard,

Today's calendar was laid over until tomorrow morning.

ADJOURNMENT.

Upon motion of Senator Bishop,

The senate adjourned.

12—S. J.

TUESDAY, FEBRUARY 11, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. G. E. Hunt.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Snover, Stevens, Teasdale, Tomkins, True, White, and Zophy—22.

Absent—Senators Browne, Huber, Husting, Martin A. E., Randolph, Richards, Skogmo, Weigle, and Weissleder—9.

Absent with leave—Senators Burke and Hoyt—2.

LEAVE OF ABSENCE.

Upon request of Senator Tomkins,

Leave of absence was granted to Senator Skogmo for today's session.

Upon request of Senator Monk,

Leave of absence was granted to Senator Browne for today's session.

Upon request of Senator Scott,

Leave of absence was granted to Senator Huber until Saturday, February 15, 1913.

Upon request of Senator Bosshard,

Leave of absence was granted to Senator Husting for today's session, and

To Senator Randolph until Saturday, February 15, 1913.

The journal of yesterday was approved.

RESOLUTIONS FOR REVISION.

During the recess of the senate,

Senator Hustung offered two joint resolutions, which were referred to committee on Revision.

BILLS FOR REVISION.

During the recess of the senate,

Senator Ackley offered two bills, Senator Browne offered three bills, Senator Glenn offered one bill, Senator Hoyt offered two bills, Senator Hustung offered one bill, Senator Kellogg offered one bill, Senator Linley offered two bills, Senator A. E. Martin offered three bills, Senator Tomkins offered eight bills, Senator True offered one bill, Senator Zophy offered one bill and Senator Teasdale offered eighteen bills, which were referred to committee on Revision.

During the session,

Senator Glenn offered one bill, Senator Cunningham offered one bill, Senator Scott offered one bill, Senator Bosshard offered one bill, Senator Zophy offered two bills, Senator Bichler offered two bills, Senator Monk offered two bills, and Senator True offered one bill, which were referred to committee on Revision.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 17, S.,

Directing the superintendent of public property to keep open the ground floor doors of the east and west wings of the state capitol until eleven o'clock p. m. during the legislative session.

Resolved by the senate, the assembly concurring, That the superintendent of public property be and he is hereby directed to keep the main ground floor doors of the east and west wings of the capitol open for ingress and egress until eleven o'clock p. m. during the remainder of the session.

By Senator Bosshard.

Adopted.

Jt. Res. No. 18, S. By Senator Hustung. To committee on Judiciary.

Jt. Res. No. 19, S. By Senator Hustung. To committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **102, S.** (Revision No. 138). By Senator Kellogg. To committee on Judiciary.
- No. **103, S.** (Revision No. 97). By Senator Kileen (by request). To committee on Judiciary.
- No. **104, S.** (Revision No. 104). By Senator Bosshard. To committee on Finance.
- No. **105, S.** (Revision No. 116). By Senator Ackley. To committee on Education and Public Welfare.
- No. **106, S.** (Revision No. 117). By Senator White. To committee on State Affairs.
- No. **107, S.** (Revision No. 118). By Senator Snover. To committee on State Affairs.
- No. **108, S.** (Revision No. 119). By Senator Browne. To committee on State Affairs.
- No. **109, S.** (Revision No. 120). By Senator Tomkins. To committee on Judiciary.
- No. **110, S.** (Revision No. 121). By Senator Tomkins. To committee on Judiciary.
- No. **111, S.** (Revision No. 122). By Senator Tomkins. To committee on Judiciary.
- No. **112, S.** (Revision No. 123). By Senator Tomkins. To committee on Judiciary.
- No. **113, S.** (Revision No. 124). By Senator Tomkins (by request). To committee on Judiciary.
- No. **114, S.** (Revision No. 125). By Senator Linley. To committee on Education and Public Welfare.
- No. **115, S.** (Revision No. 126). By Senator Linley. To committee on State Affairs.
- No. **116, S.** (Revision No. 127). By Senator Husting. To committee on Judiciary.
- No. **117, S.** (Revision No. 128). By Senator True. To committee on State Affairs.
- No. **118, S.** (Revision No. 129). By Senator Glenn. To committee on Finance.
- No. **119, S.** (Revision No. 130). By Senator A. E. Martin. To committee on Education and Public Welfare.
- No. **120, S.** (Revision No. 131). By Senator Hoyt (by request). To committee on Finance.

- No. **121, S.** (Revision No. 132). By Senator Hoyt. To committee on Finance.
- No. **122, S.** (Revision No. 135). By Senator Zophy. To committee on Judiciary.
- No. **123, S.** (Revision No. 136). By Senator A. E. Martin. To committee on Corporations.
- No. **124, S.** (Revision No. 137). By Senator A. E. Martin. To committee on State Affairs.
- No. **125, S.** (Revision No. 140). By Senator Ackley. To committee on Education and Public Welfare.
- No. **126, S.** (Revision No. 141). By Senator Ackley. To committee on Corporations.
- No. **127, S.** (Revision No. 115). By Senator Bosshard. To committee on State Affairs.
- No. **128, S.** (Revision No. 144). By Senator Tomkins (by request). To committee on Judiciary.
- No. **129, S.** (Revision No. 145). By Senator Tomkins. To committee on Finance.
- No. **130, S.** (Revision No. 146). By Senator Tomkins. To committee on Corporations.
- No. **131, S.** (Revision No. 148). By Senator Teasdale. To committee on Finance.
- No. **132, S.** (Revision No. 149). By Senator Teasdale. To committee on Judiciary.
- No. **133, S.** (Revision No. 150). By Senator Teasdale. To committee on State Affairs.
- No. **134, S.** (Revision No. 152). By Senator Teasdale. To committee on State Affairs.
- No. **135, S.** (Revision No. 153). By Senator Teasdale. To committee on State Affairs.
- No. **136, S.** (Revision No. 154). By Senator Teasdale. To committee on Judiciary.
- No. **137, S.** (Revision No. 155). By Senator Teasdale. To committee on Corporations.
- No. **138, S.** (Revision No. 156). By Senator Teasdale. To committee on Education and Public Welfare.
- No. **139, S.** (Revision No. 157). By Senator Browne. To committee on Finance.
- No. **140, S.** (Revision No. 159). By Senator Teasdale. To committee on Judiciary.
- No. **141, S.** (Revision No. 162). By Senator Teasdale. To committee on Finance.

No. **142, S.** (Revision No. 163). By Senator Teasdale. To committee on Finance.

No. **143, S.** (Revision No. 164). By Senator Teasdale. To committee on Corporations.

No. **144, S.** (Revision No. 165). By Senator Culbertson. To committee on Finance.

PETITIONS.

Pet. No. 1, S. By Senator Culbertson. To committee on Education and Public Welfare.

Pet. No. 2, S. By Senator Bishop. To committee on Finance.

Pet. No. 3, S. By Senator Huber. To committee on State Affairs.

Pet. No. 4, S. By Senator True. To committee on State Affairs.

COMMITTEE REPORT.

The chief clerk reports the following bills correctly enrolled:
No. **6, S.**

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 2, A., and has

Passed, and asks concurrence in,

No. **67, A.**, and

No. **72, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

Jt. Res. No. 2, A.

Upon request of Senator Bosshard, and by unanimous consent,
Laid over until tomorrow.

No. **67, A.** To committee on State Affairs.

No. **72, A.** To committee on State Affairs.

RESOLUTIONS CONSIDERED.

Jt. Res. No. 13, S.,

Was adopted.

BILLS READY FOR ENGROSSMENT. .

No. **8, S.**

Upon request of Senator True, and by unanimous consent,

No. **8, S.,**

Was laid over until tomorrow.

No. **18, S.,**

Was indefinitely postponed.

RESOLUTION INTRODUCED.

Jt. Res. No. 20, S.,

Resolved, by the senate, the assembly concurring, That two hundred and fifty extra copies of No. **103, S.,** be printed.

By Senator Kileen.

Adopted.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 5:00 o'clock p. m.

5:00 O'CLOCK P. M.

The president and president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Bosshard,

Senator Perry was elected to preside for this session.

BILLS FOR REVISION.

Senator Bosshard offered four bills and Senator Zophy offered one bill, which were referred to committee on Revision.

RESOLUTION INTRODUCED.

Res. No. 11, S.,

To amend rule eight (8) of the senate rules.

Resolved by the senate, That rule eight (8) of the senate rules be amended by adding at the end thereof the following: "and shall be compiled and printed as an appendix to the journal and printed in the manual for the next session as annotations to the rules."

By Senator Bosshard.

Laid over under the rule until tomorrow.

BILLS INTRODUCED.

Read first and second times and referred.

No. **145, S.** (Revision No. 143). By Senator Huber. To committee on Finance.

No. **146, S.** (Revision No. 147). By Senator Teasdale. To committee on Finance.

No. **147, S.** (Revision No. 151). By Senator Teasdale. To committee on State Affairs.

No. **148, S.** (Revision No. 158). By Senator Browne. To committee on Finance.

No. **149, S.** (Revision No. 160). By Senator Teasdale. To committee on Corporations.

No. **150, S.** (Revision No. 161). By Senator Teasdale. To committee on Judiciary.

No. **151, S.** (Revision No. 166). By Senator White. To committee on State Affairs.

No. **152, S.** (Revision No. 167). By Senator True. To committee on Finance.

No. **153, S.** (Revision No. 168). By Senator Monk. To committee on Corporations.

No. **154, S.** (Revision No. 169). By Senator Monk. To committee on State Affairs.

No. **155, S.** (Revision No. 170). By Senator Bichler. To committee on Judiciary.

No. **156, S.** Revision No. 171). By Senator Bichler. To committee on Corporations.

No. **157, S.** (Revision No. 172). By Senator Zophy. To committee on Judiciary.

No. **158, S.** (Revision No. 173). By Senator Bosshard. To committee on Corporations.

- No. **159, S.** (Revision No. 174). By Senator Scott. To committee on State Affairs.
- No. **160, S.** (Revision No. 175). By Senator Cunningham. To committee on Education and Public Welfare.
- No. **161, S.** (Revision No. 177). By Senator Zephy. To committee on Finance.
- No. **162, S.** (Revision No. 178). By Senator Teasdale. To committee on State Affairs.
-

ADJOURNMENT.

Upon motion of Senator Monk,
The senate adjourned.

WEDNESDAY, FEBRUARY 12, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. G. E. Hunt.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—26.

Absent—Senators Browne, Husting, Perry, Richards, and Weissleder—5.

Absent with leave—Senators Huber and Randolph—2.

LEAVE OF ABSENSE.

Upon request of Senator Monk,

Leave of absence was granted to Senator Browne until Saturday, February 15, 1913.

The journal of yesterday was approved.

RESOLUTION FOR REVISION.

Senator Glenn offered one joint resolution which was referred to committee on Revision.

BILLS FOR REVISION.

Senator Kileen offered ten bills, Senator Ackley offered one bill, Senator True offered one bill, Senator Glenn offered one bill, Senator Bichler offered one bill, Senator Bosshard offered one bill, Senator Weigle offered two bills and Senator Burke offered one bill, which were referred to committee on Revision.

RESOLUTIONS INTRODUCED.

Res. No. 12, S.,

Recommending Honorable Joseph E. Davies for the position of minister in the president's cabinet.

Resolved by the senate of the state of Wisconsin, That this body, although composed of a majority of an opposite political conviction, embrace this as a fitting opportunity to place upon record a testimonial of our high appreciation of the personal worth, integrity and ability of Honorable Joseph E. Davies, of Madison, Wisconsin, and to express our belief that it is the desire of the Honorable Woodrow Wilson, president-elect of the United States, to select men of the highest character and ability and men who are in sympathy with his views and the progressive movement throughout the United States as ministers in his cabinet, and to recommend to the honorable president-elect and to his kindly and friendly consideration the Honorable Joseph E. Davies as one worthy and deserving of such consideration, advancement and high office, and as one who in the judgment of this body will, as a minister of the cabinet, bring strong sympathetic assistance to the honorable president-elect in the progress that is to come, and be it further

Resolved, That a copy of these resolutions be respectfully transmitted to the Honorable Woodrow Wilson, president-elect of the United States.

By Senator Snover.

Upon request of Senator Martin,

All rules interfering were suspended by unanimous consent, and

Res. No. 12, S.,

Was considered at this time.

Res. No. 12, S.,

Was read, and adopted.

Jt. Res. No. 21, S.,

Resolved by the senate, the assembly concurring, That the congress of the United States be memorialized to testify its appreciation of the great and distinguished services of the late Lieutenant General Arthur MacArthur throughout his life, by voting to his widow a pension of twenty-five hundred dollars per year, as has been done in the cases of other officers of his rank.

Resolved further, That a copy of this resolution be transmitted by the secretary of state to the senate of the United States, and to the house of representatives of the United States and to each of the senators and representatives from this state.

By Senator Bishop.

Upon request of Senator Bishop,

All rules interfering were suspended by unanimous consent, and

Jt. Res. No. 21, S., was considered at this time.

Jt. Res. No. 21, S.,

Was read, and adopted.

COMMUNICATION TO THE SENATE.

FEBRUARY 12, 1913.

CHIEF CLERK, *Senate*.
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel, Name and Address of Employer, and Subject of Legislation.

Wm. Ryan, Atty. at Law, Madison, Wis., representing Citizens' committee, Geo. E. Cook, Secy., Prairie du Sac, upon Bridges across Wisconsin River; also City of Madison, upon all matters affecting Municipalities and Public Utilities.

H. M. Hatch, 882 Shepard Ave., Madison, Wis., representing himself upon R. R. Transportation.

C. W. Mitchell, 574 5th Ave., Milwaukee, Wis., Conductor, representing himself upon R. R. Transportation.

Th. Moran, Tomah, Wis., Conductor, representing himself upon R. R. Transportation.

Mrs. M. A. B. Smith, Madison, Wis., representing W. C. T. U. and Reform Organizations, upon all subjects relating to Women, and other reforms.

Edward Williams, 1 West Main St., Madison, Wis., Secretary, representing State Board of Pharmacy, upon Legislation affecting the practice of Pharmacy.

Irvin A. White, 623 University Ave., Madison, Wis., Student, representing himself upon No. **136, A.**

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

Jt. Res. No. 17, S.

RESOLUTIONS FOR CONSIDERATION.

Res. No. 11, S.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 26; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Kileen,

Lihley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—26.

Noes—None.

Absent or not voting—Senators Browne, Huber, Husting, Perry, Randolph, Richards, and Weissleder—7.

And so the resolution was adopted.

Jt. Res. No. 2, A.

Senator Bosshard offered the following amendment:

Amendment No. 1, S., to Joint Resolution No. 2, A.

Amend joint resolution No. 2, A., by striking out all of said resolution after the figures "1913".

Which amendment was adopted.

Jt. Res. No. 2, A.

The question was, Shall the resolution, as amended, be concurred in.

The ayes and noes were required, and the vote was: Ayes, 25; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—25.

Noes—None.

Absent or not voting—Senators Browne, Huber, Husting, Martin H. C., Perry, Randolph, Richards, and Weissleder—8.

And so the resolution was concurred in.

BILLS READY FOR ENGROSSMENT.

No. 8, S.

Senator Cunningham offered Amendment No. 1, S., to No. 8, S.

Which amendment was adopted.

No. 8, S.,

Was ordered engrossed and read a third time.

On account of the absence of Senators Randolph and Huber, the president, with unanimous consent, appointed Senator Bichler and True in their stead as members of the committee on conference on No. 2, S.

ADJOURNMENT.

Upon motion of Senator Scott,
The senate adjourned.

THURSDAY, FEBRUARY 13, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by Rev. G. E. Hunt.

The roll was called and the following Senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—28.

Absent—Senators Richards, Skogmo, and Weissleder—3.

Absent with leave—Senators Browne, and Randolph—2.

LEAVE OF ABSENCE.

Upon request of Senator Tomkins,

Leave of absence was granted to Senator Skogmo for today's session.

Upon request,

Leave of absence was granted to Senator Hustling until Saturday, February 22, 1913, and to Senators Huber and Hoyt until Wednesday, February 19, 1913.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator H. C. Martin offered one bill, Senator Zophy offered two bills, Senator Tomkins offered one bill, Senator Linley offered one bill, Senator Burke offered one bill, Senator Teasdale offered one bill, Senator Stevens offered three bills, Senator Weigle offered seven bills, Senator Bichler offered two bills, Senator Ackley offered one bill, Senator True offered one bill, Senator Huber of-

ferred two bills, Senator Hoyt offered one bill, Senator A. E., Martin offered three bills and Senator Husting offered two bills, which were referred to committee on Revision.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 22. S. (Revision No. 139). By Senator Husting. To committee on Judiciary.

Jt. Res. No. 23, S. (Revision No. 201) By Senator Glenn. To committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

No. **163, S.** (Revision No. 179). By Senator Bosshard. To committee on Judiciary.

No. **164, S.** (Revision No. 180). By Senator Bosshard. To committee on Judiciary.

No. **165, S.** (Revision No. 182). By Senator Bosshard (by request). To committee on Judiciary.

No. **166, S.** (Revision No. 184). By Senator Weigle. To committee on Finance.

No. **167, S.** (Revision No. 185). By Senator Weigle. To committee on Finance.

No. **168, S.** (Revision No. 186). By Senator Bosshard. To committee on Education and Public Welfare.

No. **169, S.** (Revision No. 187). By Senator Bichler. To committee on Corporations.

No. **170, S.** (Revision No. 188). By Senator Glenn. To committee on State Affairs.

No. **171, S.** (Revision No. 189). By Senator True. To committee on Corporations.

No. **172, S.** (Revision No. 192). By Senator Kileen (by request). To committee on Judiciary.

No. **173, S.** (Revision No. 193). By Senator Kileen (by request). To committee on Education and Public Welfare.

No. **174, S.** (Revision No. 194). By Senator Kileen (by request). To committee on Corporations.

No. **175, S.** (Revision No. 195). By Senator Kileen (by request). To committee on Judiciary.

- No. **176, S.** (Revision No. 196). By Senntor Kileen (by request). To committee on Judiciary.
- No. **177, S.** (Revision No. 197). By Senator Kileen (by request). To committee on Judiciary.
- No. **178, S.** (Revision No. 198). By Senator Kileen (by request). To committee on Judiciary.
- No. **179, S.** (Revision No. 199). By Senator Kileen (by request). To committee on Judiciary.
- No. **180, S.** (Revision No. 200). By Senator Kileen (by request). To committee on Education and Public Welfare.
- No. **181, S.** (Revision No. 202). By Senator Burke. To committee on Education and Public Welfare.

COMMUNICATIONS TO THE SENATE.

FEBRUARY 13, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of joint resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, residence and occupation of counsel; name and address of employer, and subject of legislation.

Counsel:

W. H. Bennett, Pereles Bldg., Milwaukee, representing Wisconsin Industrial School for Girls, Milwaukee, upon all bills affecting it.

Frederick J. Eaton, Oshkosh, Wis., representing himself upon legislation concerning divorce counsel.

Fred C. Ellis, 711 Pabst Bldg., Milwaukee, representing Wisconsin Telephone Co., upon telephone legislation.

H. J. Killilea, 1111 Majestic Bldg., Milwaukee, representing C. M. & St. P. Ry. Co., 1111 Majestic Bldg., Milwaukee, upon all matters affecting railroads.

J. A. Murphy, Superior, Wis., representing Great Northern Ry. Co., upon all matters affecting railroads.

J. V. Quarles, lawyer, Milwaukee, representing Wilbur Lumber Co., upon bills affecting lumber business, and Plankinton Packing Co., upon bills affecting meat business.

Clarke M. Rosecrantz, 910-27 Wells Bldg., Milwaukee, representing The Milw. Elect. Ry. & Lt. Co., Milw. Lt., Heat & Power Co., of Milwaukee, Wisconsin Gas & Elect. Co., of Racine, Wis., upon all matters affecting street and interurban railways, electric light, gas and heating companies, and water companies.

G. M. Sheldon, Tomahawk, Wis., representing R. H. Clark, Tomahawk, Wis., upon Clark-O'Day contest.

Charles A. Vilas, 226 W. Jackson Blvd., Chicago, Ill., representing Chicago & Northwestern Railway Co., upon all legislation affecting railroads.

Geo. E. Anderson, St. Paul, Minn., representing Great Northern Ry. Co., upon all matters affecting railroads.

Chas. Adleman, Superior, Wis., representing Great Northern Ry. Co., upon all matters affecting railroads.

T. E. Cannon, Superior, Wis., representing Great Northern Ry. Co., upon all matters affecting railways.

T. W. Callahan, Superior, Wis., representing Great Northern Ry. Co., upon all matters affecting railways.

P. A. Cleary, 905 Majestic Bldg., Milwaukee, representing Wisconsin Brewers' Assn., 905 Majestic Bldg., Milwaukee, upon all excise legislation.

H. C. Cheyney, 226 W. Jackson Blvd., Chicago, Ill., representing Chicago & Northwestern Ry., 226 W. Jackson Blvd., Chicago, Ill., upon all matters relating to Railroads.

S. Ennes, Supt. G. N. Ry., Superior, Wis., representing Great Northern Railway Co., upon all matters affecting Railways.

J. H. Hicken, care of G. N. Ry., Superior, Wis., representing Great Northern Ry. Co., upon all Railroad matters.

W. S. Heddles, Madison, Wis., representing himself upon No. 77, A.

J. B. Murphy, conductor, Ashland, Wis., representing "Soo Line" railway, upon railway legislation.

W. A. Redney, conductor, Menasha, Wis., representing Order of Railway Conductors, upon matters affecting railway employes.

L. C. Sprague, St. Paul, Minnesota, representing Great Northern Railway general office, upon all matters relating to railways.

C. M. Winter, Fond du Lac, Wis., railway division superintendent, representing "Soo Line" railway, upon general railway legislation.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

Jt. Res. No. 3, S.

Adoption.

HOWARD TEASDALE,

Chairman.

Senator Ackley moved that all rules interfering, be suspended by unanimous consent, and Jt. Res. No. 3, S., be considered at this time.

Senator Burke objected.

The question then was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: ayes, 22; noes, 6; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and White—22.

Noes—Senators Albers, Bichler, Burke, Culbertson, Perry, and Zophy—6.

Absent or not voting—Senators Browne, Randolph, Richards, Skogmo, and Weissleder—5.

And so the rules were suspended.

Jt. Res. No. 3, S.,

Read third time.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 28; noes, none; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—28.

Noes—None.

Absent or not voting—Senators Browne, Randolph, Richards, Skogmo, and Weissleder—5.

And so the resolution was adopted.

Upon request of Senator Ackley,

All rules interfering were suspended by unanimous consent, and Jt. Res. No. 3, S., was ordered messaged to the assembly at once.

The chief clerk reports No. **8, S.**, correctly engrossed.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has appointed, on behalf of the assembly, as a committee on conference on No. **2, S.**, Messrs. Nye, Roethe and Roessler.

And has amended, and concurred in, as amended,
No. **9, S.**

Concurred in

Amendment No. 1, S., to Jt. Res. No. 2, A.

And has concurred in

Jt. Res. No. 21, S.,

Has adopted, and asks concurrence in,

Jt. Res. No. 27, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 27, A.,
Read first and second times, and
Referred to committee on State Affairs.

The president appointed the following special committees under resolution No. 6, S.:

Highways—Senators Browne, Burke, and Biehler.
Conservation—Senators Husting, Bosshard, and Tomkins.
Insurance—Senators Scott, True and Randolph.

RECESS.

Upon motion of Senator Martin,
The senate took a recess until 5:30 o'clock p. m.

5:30 O'CLOCK P. M.

The senate was called to order by the president.

RESOLUTIONS FOR REVISION.

The special committee on Conservation offered one joint resolution, which was referred to the committee on Revision.

BILLS FOR REVISION.

Senator Bosshard offered one bill, Senator Stevens offered one bill, and Senator True offered one bill, which were referred to committee on Revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. **182, S.** (Revision No. 176). By Senator Glenn. To committee on Education and Public Welfare.

No. **183, S.** (Revision No. 181). By Senator Bosshard (by request). To committee on Corporations.

No. **184, S.** (Revision No. 183). By Senator Zophy. To committee on Corporations.

- No. **185, S.** (Revision No. 205). By Senator A. E. Martin (by request). To committee on Judiciary.
- No. **186, S.** (Revision No. 231). By Senator H. C. Martin. To committee on Education and Public Welfare.
- No. **187, S.** (Revision No. 208). By Senator Hoyt. To committee on Education and Public Welfare.
- No. **188, S.** (Revision No. 207). By Senator A. E. Martin. To committee on State Affairs.
- No. **189, S.** (Revision No. 209). By Senator Huber. To committee on Judiciary.
- No. **190, S.** (Revision No. 210). By Senator Huber. To committee on Judiciary.
- No. **191, S.** (Revision No. 211). By Senator True. To committee on State Affairs.
- No. **192, S.** (Revision No. 212). By Senator Ackley. To committee on Corporations.
- No. **193, S.** (Revision No. 213). By Senator Bichler. To special committee on Insurance.
- No. **194, S.** (Revision No. 214). By Senator Bichler. To committee on Judiciary.
- No. **195, S.** (Revision No. 215). By Senator Weigle. To committee on Finance.
- No. **196, S.** (Revision No. 216). By Senator Weigle. To committee on Judiciary.
- No. **197, S.** (Revision No. 217). By Senator Weigle (by request). To committee on Judiciary.
- No. **198, S.** (Revision No. 218). By Senator Weigle (by request). To committee on Corporations.
- No. **199, S.** (Revision No. 219). By Senator Weigle (by request). To committee on Education and Public Welfare.
- No. **200, S.** (Revision No. 220). By Senator Weigle (by request). To committee on Judiciary.
- No. **201, S.** (Revision No. 221). By Senator Weigle. To committee on Education and Public Welfare.
- No. **202, S.** (Revision No. 222). By Senator Stevens. To committee on Finance.
- No. **203, S.** (Revision No. 223). By Senator Stevens. To committee on Finance.
- No. **204, S.** (Revision No. 224). By Senator Stevens. To committee on Finance.

- No. **205, S.** (Revision No. 225). By Senator Teasdale. To committee on Finance.
- No. **206, S.** (Revision No. 226). By Senator Burke. To committee on State Affairs.
- No. **207, S.** (Revision No. 227). By Senator Linley. To committee on Judiciary.
- No. **208, S.** (Revision No. 228). By Senator Tomkins (by request). To committee on Finance.
- No. **209, S.** (Revision No. 229). By Senator Zophy (by request). To committee on State Affairs.
- No. **210, S.** (Revision No. 230). By Senator Zophy. To committee on Education and Public Welfare.
-

COMMITTEE REPORT.

Senator Bosshard reported, that the special committee on Conservation was organized by the election of Senator Husting as chairman.

The president held, that the action of the committee and the report were unnecessary; that when, under rule 21, special committees are appointed by the president, the senator first named on such committee is chairman.

ADJOURNMENT.

Upon motion of Senator Scott,
The senate adjourned.

FRIDAY, FEBRUARY 14, 1913.
10 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. G. E. Hunt.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

RESOLUTIONS FOR REVISION.

Senator Stevens offered one joint resolution for revision.

BILLS FOR REVISION.

Senator Monk offered one bill, Senator Tomkins offered one bill, Senator Teasdale offered one bill, Senator Linley offered two bills, Senator Stevens offered one bill, and Senator Glenn offered one bill for revision.

BILLS INTRODUCED.

Read first and second times and referred.

No. **211, S.** (Revision No. 190). By Senator Ackley. To committee on State Affairs.

No. **212, S.** (Revision No. 191). By Senator Kileen (by request). To committee on Judiciary.

No. **213, S.** (Revision No. 204). By Senator Husting. To special committee on Conservation.

COMMUNICATION TO THE SENATE.

FEBRUARY 14, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

J. C. Harper, Fairchild Bldg., Madison, Wis., representing Hausmann Brewing Co., Madison, Wis., upon all Excise Bills.

R. S. Witte, Loan & Trust Bldg., Milwaukee, Wis., representing Retail Liquor Dealers' Ass'n, Milwaukee, Wis., upon excise matters.

A. E. Cook, Baraboo, Wis., representing himself upon No. **93, A.**

J. H. Fitzgibbon, 224—35th St., Milwaukee, Wis., representing himself upon all legislation.

A. R. Kipp, Supt., Fond du Lac, Wis., representing "Soo Line" Railway, Minneapolis, Minn., upon general railroad matters.

Leroy S. Wright, 311 Railway Exch., Chicago, Ill., representing the National Malleable Cast Co., Chicago, Ill., upon senate bills.

John Zeininger, Milwaukee, Wis., representing himself upon No. **93, A.**

COMMITTEE REPORT.

The committee on Education and Public Welfare report and recommend:

No. **21, S.**,

Adoption of Amendment No. 1, S., and

Passage.

No. **42, S.**,

Adoption of Amendment No. 1, S., and

Passage,

Senators Albers and Perry dissenting.

No. **61, S.**, and,

No. **65, S.**,

Passage.

HOWARD TEASDALE,
Chairman.

LEAVE OF ABSENCE.

Upon request,

Leave of absense was granted to Senator Ackley until Wednesday, February 19, 1913.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 11:30 o'clock a. m.

11:30 O'CLOCK A. M.

| The senate was called to order by the president.

BILLS FOR REVISION.

Senator Bosshard offered one bill, which was referred to committee on Revision.

RESOLUTIONS INTRODUCED.

Res. No. 13, S.,

Resolved by the senate, That the superintendent of public property be, and he is hereby, directed to install telephones in the engrossing room, document room, revision room and index room.

Resolved further, That the said superintendent of public property be, and he is hereby, directed to carpet the floor of the post office.

By Senator Scott.

Adopted.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has receded from its position on

Sub. Amdt. No. 1, A., and Amdt. No. 3, A.; has adopted Sub. Amdt. No. 2, A., recommended by committee on conference, and has concurred in, as amended,

No. 2, S.

Has adopted, and asks concurrence in,
Jt. Res. No. 28, A.

And has concurred in
Jt. Res. No. 20, S.

Jt. Res. No. 28, A.,

Relating to the death of William Millar.

William Millar of the town of Red Cedar, Dunn county, Wisconsin, was born in Ireland, of Scotch parentage, October 5, 1839, came to America at the age of ten, and resided in this state continuously since 1850. He was interested in the lumber business and was one of the most progressive farmers of the Chippewa valley. In 1885 Mr. Millar assisted in the organization of the Dunn County Agricultural Society and was selected as its first president, and took a prominent part in the development of the Dunn county fair. He was elected a member of the assembly from Dunn county in the year 1887. His brilliant record in the assembly caused his election as state senator, serving in the session of 1889 and 1891.

In all of these public offices he discharged the duties pertaining thereto with ability and unquestioned integrity, and whenever the opportunity presented itself he was always ready to extend his influence to the uplift of his county and state. His career as a citizen, public servant, and member of the legislature proved him worthy of the enduring remembrance of his fellowmen; now, therefore, be it

Resolved by the assembly, the senate concurring, That as an evidence of respect, this memorial be entered upon the journals of both houses, and that an engrossed copy of the same, properly attested by the presiding officers, be forwarded to the family of the said William Millar, deceased.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 28, A.,

Read, and concurred in by a unanimous rising vote.

ADJOURNMENT.

Upon motion of Senator Martin,

The senate adjourned until Monday, February 17, 1913, at 7:30 o'clock p. m.

MONDAY, FEBRUARY 17 1913.

7:30 O'CLOCK, P. M.

The senate met.

The president and president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator True,

Senator Teasdale was elected to preside for this session.

Prayer was offered by the Rev. I. F. Roach of the First Methodist Episcopal Church of Madison.

Upon motion of Senator Bishop,

The calling of the roll was dispensed with.

The journal of Friday, February 14, 1913, was approved.

BILLS FOR REVISION.

Senator Huber offered one bill, Senator Zophy offered one bill, Senator Teasdale offered four bills, Senator Perry offered five bills, Senator Bishop offered one bill and Senator Monk offered five bills.

RESOLUTIONS INTRODUCED.

Read first and second times and referred.

Jt. Res. No. 24, S. (Revision No. 235). By Special Committee on Conservation. To committee on Judiciary.

Jt. Res. No. 25, S. (Revision No. 242). By Senator Stevens. To committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **214, S.** (Revision No. 113). By Senator Burke. To committee on Finance.
- No. **215, S.** (Revision No. 203). By Senator Husting. To committee on Corporations.
- No. **216, S.** (Revision No. 206). By Senator A. E. Martin (by request). To committee on Education and Public Welfare.
- No. **217, S.** (Revision No. 232). By Senator Bosshard. To committee on Corporations.
- No. **218, S.** (Revision No. 233). By Senator Stevens. To committee on Education and Public Welfare.
- No. **219, S.** (Revision No. 236). By Senator Monk (by request). To committee on Judiciary.
- No. **220, S.** (Revision No. 237). By Senator Tomkins (by request). To committee on Education and Public Welfare.
- No. **221, S.** (Revision No. 238). By Senator Teasdale. To committee on State Affairs.
- No. **222, S.** (Revision No. 239). By Senator Stevens. To committee on Judiciary.
- No. **223, S.** (Revision No. 240). By Senator Linley (by request). To committee on Corporations.
- No. **224, S.** (Revision No. 241). By Senator Linley (by request). To committee on Corporations.
- No. **225, S.** (Revision No. 243). By Senator Glenn. To committee on Education and Public Welfare.
- No. **226, S.** (Revision No. 244). By Senator Bosshard. To special committee on Conservation.
- No. **227, S.** (Revision No. 234). By Senator True. To committee on State Affairs.

COMMITTEE REPORT.

The chief clerk reports Jt. Res. No. 21, S., correctly enrolled.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

TUESDAY, FEBRUARY 18, 1913.

10 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. I. F. Roach.

The roll was called and the following senators answered to their names:

Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Kellogg, Kiloen, Linley, Martin A. E., Martin H. C., Perry, Randolph, Scott, Snover, Stevens, Teasdale, True, Weigle, and Zophy—21.

Absent—Senators Albers, Bichler, Browne, Monk, Richards, Skogmo, Tomkins, Weissleder, and White—9.

Absent with leave—Senators Hoyt, Huber, and Husting—3.

LEAVE OF ABSENCE.

Upon request of Senator True,

Leave of absence was granted to Senators Tomkins and Skogmo for this session.

Upon request of Senator Kellogg,

Leave of absence was granted to Senator Monk for this session.

Upon request of Senator Randolph,

Leave of absence was granted to all absentees for this session.

The journal of yesterday was approved.

RESOLUTIONS FOR REVISION.

Senator Linley offered one joint resolution, and Senator Ackley offered one joint resolution for revision.

BILLS FOR REVISION.

Senator Teasdale offered three bills, Senator Cunningham offered one bill, Senator Scott offered thirteen bills, Senator Burke

offered five bills, Senator A. E. Martin offered one bill, Senator Bichler offered one bill, Senator Weigle offered four bills, Senator Stevens offered two bills, Senator Snover offered one bill, Senator Ackley offered one bill, Senator Linley offered seven bills, and Senator Glenn offered one bill for revision.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **228, S.** (Revision No. 245). By Senator Huber. To committee on Education and Public Welfare.
- No. **229, S.** (Revision No. 246). By Senator Perry. To committee on Finance.
- No. **230, S.** (Revision No. 247). By Senator Perry. To committee on Finance.
- No. **231, S.** (Revision No. 248). By Senator Perry (by request). To committee on State Affairs.
- No. **232, S.** (Revision No. 249). By Senator Perry (by request). To committee on Corporations.
- No. **233, S.** (Revision No. 250). By Senator Perry (by request). To committee on Education and Public Welfare.
- No. **234, S.** (Revision No. 251). By Senator Teasdale. To committee on State Affairs.
- No. **235, S.** (Revision No. 252). By Senator Teasdale. To committee on Judiciary.
- No. **236, S.** (Revision No. 253). By Senator Teasdale. To committee on Corporations.
- No. **237, S.** (Revision No. 256). By Senator Bishop. To committee on Finance.
- No. **238, S.** (Revision No. 257). By Senator Monk (by request). To special committee on Conservation.
- No. **239, S.** (Revision No. 258). By Senator Monk (by request). To special committee on Conservation.
- No. **240, S.** (Revision No. 259). By Senator Monk (by request). To special committee on Conservation.
- No. **241, S.** (Revision No. 260). By Senator Monk (by request). To special committee on Conservation.
- No. **242, S.** (Revision No. 261). By Senator Monk (by request). To special committee on Conservation.

PETITIONS.

Pet. No. 5, S. By Senator True. To committee on State Affairs.

COMMITTEE REPORT.

The committee on Judiciary report and recommend:

No. **23, S.**,

Indefinite postponement,
Senator Linley dissenting.

No. **59, S.**,

Indefinite postponement,
Senator Linley dissenting.

No. **73, S.**,

Indefinite postponement.

No. **71, S.**,

Adoption of amendment No. 1, S., and
Passage.

No. **68, S.**, No. **72, S.**, and No. **74, S.**,

Passage.

Jt. Res. No 16, S.,

Adoption.

E. F. KILEEN,

Chairman of Senate Judiciary Committee.

MINORITY REPORT OF THE JUDICIARY COMMITTEE.

For a minority report on bill No. **59, S.**, the dissenting member of the committee says:

That the purpose of this bill is to make wealthy men who ruin poor girls respond in damages, and indirectly to prevent such occurrences. It is a well known fact that because the injured girl has now no remedy, and because of an easy tolerance that prevails wide-spread in such matters, such men who so use their wealth must always escape any kind of punishment. This bill most effectively reaches this class.

What say you, men of Wisconsin?

Besides, the bill will check the maintenance of houses of ill repute, for the reason that men of property, who are the support of such houses, will be afraid to frequent them on account of impending action certain to be brought.

The bill will be effective because it places the means of recovery and carrying out justice directly in the hands of one of the parties, who not only has the evidence but the incentive as well to make it effective.

The charge that it will encourage blackmail is not warranted, because it creates no new offense and does not impose as severe penalties as already exist. All these offenses are now prohibited by law under pain of severe penalties. The blackmailer practically always uses the criminal law as the means of blackmail. How can a law that provides only a civil remedy which must be substantiated by proof in court encourage blackmail, when the criminal law is all alongside?

Also the charge that some innocent man may be sued is also unwarranted. The case must be substantiated by satisfactory proof before court and jury the same as any other action. An innocent man may sometimes be accused, too, under the criminal law for the same offense. But who ever thought of abolishing the criminal law just because some innocent man might possibly be accused.

The chance for an innocent man to be sued and recovered against is very remote. Any way, while thinking of the possibilities of an innocent man being sued and paying out some money, why not give as much or more thought to innocent women who are known to suffer under present conditions?

It is an axiom that certainty of punishment is a much more effective check to crime than severity of punishment. The criminal law is severe enough, but is not certain enough. This bill is not severe, but it furnishes the certainty and consequently it is effective.

(Signed) VICTOR LINLEY,
Member of Judiciary Committee dis-
senting from the Majority Report.

ASSEMBLY MESSAGE CONSIDERED.

The committee on conference on No. 2, S., report and recommend:

That the assembly recede from its position on substitute amendment No. 1, A., and amendment No. 3, A., and adopt substitute amendment No. 2, A., offered herewith.

G. E. SCOTT,
W. J. BICHLER,
John M. TRUE,
Senate Committee on Conference.
R. J. NYE,
H. E. ROETHE,
C. F. ROESSLER,
Assembly Committee on Conference.

No. 2, S.,

A bill to amend sections 111c, 111d, 111e, and 111f of the statutes, relating to legislative employees.

Substitute amendment No. 2, A.

The question was, Shall substitute amendment No. 2, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 13, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Randolph, Scott, Snover, Stevens, Teasdale, True, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Albers, Bichler, Browne, Burke, Hoyt, Huber, Hustung, Monk, Richards, Skogmo, Tomkins, Weissleder, and White—13.

And so the substitute amendment was concurred in.

The chief clerk under Rule 32, corrected the title of substitute amendment No. 2, A., to No. **2, S.**, by adding thereto the following words, "and making an appropriation".

No. 9, S.,

Amendment No. 1, A.

Upon motion of Senator Randolph,

Laid over until Thursday, February 20, 1913.

BILLS READY FOR ENGROSSMENT.**No. 21, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. 42, S.

Amendment No. 1, S.,

Upon motion of Senator Teasdale,

Laid over until Thursday, February 20, 1913.

No. 61, S.,**No. 65, S.,**

Were each severally ordered engrossed and read a third time.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 11:30 o'clock a. m.

11:30 O'CLOCK A. M.

The senate was called to order by the president pro tempore.

BILLS READY FOR THIRD READING.

No. 8, S.,

A bill to amend subsection 11 of section 1492b of the statutes, relating to compensation to owners for cattle slaughtered after reacting to the tuberculin test,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 13, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Randolph, Scott, Snover, Stevens, Teasdale, True, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Albers, Bichler, Browne, Glenn, Hoyt, Huber, Hustung, Monk, Richards, Skogmo, Tomkins, Weissleder, and White—13.

And so the bill was passed.

Upon request of Senator Cunningham,

All rules interfering were suspended by unanimous consent, and No. 8, S., was ordered messaged to the assembly at once.

BILLS FOR REVISION.

Senator Linley offered one bill, Senator Perry offered two bills, Senator Zophy offered two bills, Senator Stevens offered two bills, Senator A. E. Martin offered two bills, Senator Scott offered two bills, Senator Cunningham offered one bill, Senator Burke offered two bills, Senator H. C. Martin offered one bill, Senator True offered one bill, Senator Weigle offered one bill, Senator Hoyt offered one bill, and Senator Monk offered one bill, for revision.

RESOLUTION INTRODUCED.

Res. No. 14, S.,

WHEREAS, The new capitol building now in course of erection is conceded by all to be an architectural monument to its projectors, and a source of pride to the residents and tax-payers of Wisconsin, and

14—S. J.

WHEREAS, There has been no printed report showing progress since that submitted in compliance with Joint Resolution No. 4, A., under date of June 14th, 1911; now, therefore,

Be it resolved by the senate, That the secretary of state be and hereby is required to furnish each member of the senate a printed statement covering the items and expenditures taken from the state and other capitol funds to date, fully itemized as follows:

First. Amounts available from all sources, giving dates and amounts in detail, and sum total.

Second. Amount paid out for non-productive labor, covering plans, traveling expenses, fees of architects, inspectors, engineering, razing and removal of old building.

Third. Total cost of preparation of grounds, excavating, etc., not included in building contracts.

Fourth. Cost of west wing proper, covering all work and material, each branch of the work itemized separately, giving names of contractors, amount of bids, extras, if any, and amounts; also giving names and amounts of all accepted and rejected bids covering each contract and branch of the work.

Fifth. Cost of east wing, itemized as detailed above.

Sixth. Cost of south wing, itemized as detailed above.

Seventh. Cost of dome or central portion, itemized as detailed above.

Eighth. A separate report on furniture and fixtures for each wing, as mentioned above.

Ninth. A report showing whether purchases of furniture were competitive or not, and the amount of each bid submitted, designating those accepted, with copy of specifications, in particular covering the wood work and finish of both interior trim and furniture now in the south wing.

Tenth. Report to be submitted as required, within fifteen days from the date of the adoption of this resolution.

By Senator Perry.

Adopted.

RECESS.

Upon motion of Senator Kellogg,

The senate took a recess until 5:30 o'clock p. m.

5:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

BILLS FOR REVISION.

Senator Linley offered three bills, Senator Browne offered one bill, Senator Husting offered one bill, Senator Huber offered one bill, Senator Bosshard offered ten bills, Senator Burke offered seven bills, Senator Skogmo offered two bills, Senator Bishop offered one bill, Senator H. C. Martin offered one bill, Senator Kileen offered six bills, Senator True offered one bill, Senator Teasdale offered one bill, Senator Weigle offered three bills, and Senator Zophy offered one bill, for revision.

Senator Zophy, with unanimous consent, withdrew No. **209, S.**

RESOLUTIONS INTRODUCED.

- Jt. Res. No. 26, S. (Revision No. 274). By Senator Ackley. To committee on Education and Public Welfare.
- Jt. Res. No. 27, S. (Revision No. 287). By Senator Linley. To committee on Corporations.
- Jt. Res. No. 28, S. (Revision No. 289). By Senator Linley. To committee on Judiciary.
-

BILLS INTRODUCED.

Read first and second times and referred.

No. **243, S.** (Revision No. 271). By Senator Snover.

Senator Snover requested that unanimous consent be given for the suspension of all rules interfering, and No. **243, S.**, be placed upon its final passage at this time.

Senator Randolph objected.

Senator Snover then moved that all rules interfering be suspended and No. **243, S.**, be placed upon its passage at this time.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 12; noes, 8; absent or not voting, 13, as follows:

Ayes—Senators Ackley, Burke, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Snover, Stevens, and Weigle—12.

Noes—Senators Bishop, Culbertson, Randolph, Scott, Skogmo, Teasdale, True, and Zophy—8.

Absent or not voting—Senators Albers, Bichler, Bosshard, Browne, Glenn, Hoyt, Huber, Husting, Monk, Richards, Tomkins, Weissleder, and White—13.

And so the senate refused to suspend the rules.

No. **243, S.**, was referred to committee on Judiciary.

No. **244, S.** (Revision No. 262). By Senator Scott. To committee on Finance.

No. **245, S.** (Revision No. 263). By Senator Bichler. To committee on Corporations.

No. **246, S.** (Revision No. 264). By Senator Weigle (by request). To committee on Finance.

No. **247, S.** (Revision No. 265). By Senator Weigle. To committee on Finance.

No. **248, S.** (Revision No. 266). By Senator Weigle (by request). To committee on Corporations.

No. **249, S.** (Revision No. 267). By Senator Weigle. To committee on Finance.

No. **250, S.** (Revision No. 269). By Senator Stevens. To committee on Judiciary.

No. **251, S.** (Revision No. 270). By Senator Stevens. To special committee on Conservation.

No. **252, S.** (Revision No. 272). By Senator Snover. To committee on Judiciary.

No. **253, S.** (Revision No. 275). By Senator Kellogg (by request). To committee on Finance.

No. **254, S.** (Revision No. 276). By Senator H. C. Martin. To committee on Judiciary.

No. **255, S.** (Revision No. 277). By Senator H. C. Martin. To committee on Judiciary.

No. **256, S.** (Revision No. 278). By Senator Zophy. To committee on Finance.

No. **257, S.** (Revision No. 280). By Senator Linley. To committee on Finance.

No. **258, S.** (Revision No. 283). By Senator Linley. To committee on Judiciary.

No. **259, S.** (Revision No. 284). By Senator Linley. To committee on Finance.

No. **260, S.** (Revision No. 285). By Senator Linley. To committee on Judiciary.

No. **261, S.** (Revision No. 286). By Senator Linley. To committee on Judiciary.

No. **262, S.** (Revision No. 288). By Senator Linley. To committee on Education and Public Welfare.

RECESS.

Upon motion of Senator Scott,

The senate took a recess until 8:30 o'clock p. m.

8:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

BILLS FOR REVISION.

Senator Tomkins offered one bill, Senator Huber offered two bills, Senator Husting offered three bills, Senator Ackley offered two bills, Senator Cunningham offered two bills, Senator Burke offered one bill, Senator Teasdale offered two bills, Senator Bishop offered one bill, Senator Randolph offered one bill, Senator Monk offered four bills, Senator H. C. Martin offered one bill, Senator Stevens offered two bills, Senator Glenn offered one bill, Senator Kileen offered two bills, Senator Weigle offered one bill and Senator Scott offered five bills for revision.

CLERK'S REPORT.

The chief clerk reports No. **21, S.**, correctly engrossed.

Upon request of Senator Randolph, and by unanimous consent, it was ordered that all bills filed with the chief clerk prior to 9:00 o'clock p. m. be considered offered for revision.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

WEDNESDAY, FEBRUARY 19, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. I. F. Roach.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—26.

Absent—Senators Albers, Browne, Richards, and White—4.

Absent with leave—Senators Hoyt, Huber, and Husting—3.

The journal of yesterday was approved.

RESOLUTION INTRODUCED.

Res. No. 15, S.,

Resolved, That Rule twelve of the rules of this Senate be amended to read as follows:

12. *Who may be admitted to the floor.* Persons of the following classes, and no others, shall be admitted to that portion of the floor of the senate reserved to the members, during the session thereof, viz.: the governor, lieutenant governor, members of the legislature, state officers, regents of the university, regents of the normal schools, members of congress, judges of the supreme court and other courts, and ex-members of the legislature. And none of the above shall have the privilege of the floor who are registered as lobbyists or engaged in defeating or promoting any pending legislation, *excepting during recess and such times as the Senate is not in actual session.* No ex-senator or any other person who shall be directly or indirectly

interested in defeating or promoting any pending legislation, whether registered as a lobbyist or not, shall have the privilege of the floor of the senate at any time *excepting during recess and when the senate is not actually in session.* All editors of newspapers within the state and reporters for the press, who confine themselves to their professional duties, shall have the privilege of the floor of the senate, except that during the sessions of the senate such privilege shall extend only to the press lobby. The foregoing rule shall not be deemed to exclude such other persons as may be invited to seats on the floor of the senate by a member or the presiding officer thereof.

By Senator A. E. Martin.

Senator Randolph rose to a point of order that under rule 95 a day's notice of a motion to rescind or change standing rule must be given, and that therefore the resolution offered by Senator Martin was out of order.

The president held:

Under rule 95 one day's notice must be given before a motion or resolution to amend the rules can be acted upon, but, under the practice of the senate, the offering of the resolution is in itself the giving of notice of the motion contained in the resolution;

The resolution is in order to be received at this time, but must be printed in the journal and lie on the clerk's desk for one day, not being received for action until tomorrow, when it has privileges of immediate consideration.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **263, S.** (Revision No. 290). By Senator Teasdale. To committee on Judiciary.
- No. **264, S.** (Revision No. 291). By Senator Teasdale. To committee on State Affairs.
- No. **265, S.** (Revision No. 292). By Senator Teasdale. To committee on Corporations.
- No. **266, S.** (Revision No. 294). By Senator Cunningham. To committee on Judiciary.
- No. **267, S.** (Revision No. 295). By Senator Scott. To special committee on Insurance.
- No. **268, S.** (Revision No. 297). By Senator Scott. To special committee on Insurance.
- No. **269, S.** (Revision No. 298). By Senator Scott. To special committee on Insurance.
- No. **270, S.** (Revision No. 299). By Senator Scott. To special committee on Insurance.

- No. **271, S.** (Revision No. 300). By Senator Scott. To special committee on Insurance.
- No. **272, S.** (Revision No. 302). By Senator Scott. To special committee on Insurance.
- No. **273, S.** (Revision No. 314). By Senator Weigle. To committee on Corporations.
- No. **274, S.** (Revision No. 315). By Senator A. E. Martin. To committee on Judiciary.
-

PETITIONS.

- Pet. No. 6, S. By Senator Culbertson. To committee on Education and Public Welfare.
- Pet. No. 7, S. By Senator Culbertson. To committee on Education and Public Welfare.
-

COMMUNICATIONS.

FEBRUARY 19, 1913.

CHIEF CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

H. A. Apple, representing Wis. State Automobile Assn., 97 Wisconsin St., Milwaukee, Wis., Retail Automobile Assn., 310 Montgomery Bldg., Milw., upon all automobile legislation.

S. J. Baker, 703 State St., Madison, representing Alumni Committee, upon fraternities.

Frank J. Breidster, 524½ 33d St., Milwaukee, representing himself upon No. **40, A.**

Fred G. Castle, 872 Shepard Ave., Milwaukee, representing himself upon legislation affecting railroads.

William Coleman, 709½ 11th St., Milwaukee, representing Milwaukee Federated Trades Council, 528 Chestnut St., F. J. Weber, Secretary, upon all legislation affecting labor.

F. E. Dubois, Green Bay, Wis., representing himself upon No. **46, S.**

Joseph Fisher, Mayor, Marinette, Wis., representing Municipal League, upon legislation affecting cities.

J. D. Gillett, Superior, Wis., representing Evening Telegram Co., Superior, Wis., upon all legislation affecting newspapers and publishers.

Joseph Hoffman, 1138 24th St., Milwaukee, representing himself upon No. **40, A.**

F. Holmes, 306 22d St., Milwaukee, machinist C., M. & St. P. Ry., representing Lodge No. 234, I. A. of M., upon No. **40, A.**

N. W. Hodge, Traffic Mgr., Stanley, Wis., representing Stanley, Merrill & Phillips Railway, upon all railway legislation.

C. S. Johnson, 36½ Park Hill Pl., Milwaukee, machinist C. M. & St. P. Ry., representing Lodge No. 234, I. A. of M., Milwaukee, upon No. **40, A.**

James Killian, 27 36th St., Milwaukee, representing himself upon No. **40, A.**

S. B. Knox, 295 Farwell Ave., Milwaukee, representing himself upon legislation affecting Tax Certificates.

Chas. Luebke, 435 32d Ave., Milwaukee, representing himself upon No. **40, A.**

Alfred W. Miller, 263—23rd St., Milwaukee, representing himself upon Surety Bond and Casualty Companies.

Caesar D. Marks, Milwaukee, representing American Surety Co., upon Surety Legislation.

D. M. Maxey, Washburn, Wis., representing E. I. du Pont de Nemours Powder Co., Wilmington, Delaware, upon Legislation affecting explosives.

Geo. T. Martin, 487—55th St., Milwaukee, Machinist, C. M. & St. P. Ry., representing Lodge No. 234, I. A. of M., Milwaukee, upon No. **40, A.**

Malcolm MacKinnon, 3518 Cherry St., Milwaukee, representing Lake to River Road Assn., Oconomowoc-Milwaukee Road Assn., upon legislation affecting highways.

L. H. Palmer, 253 18th St., Milwaukee, representing Forum Club, A. J. Burgette, Ogden Bldg., Grand Ave., Milwaukee, upon No. **75, A.**

F. O. Phelps, Sec. & Treas., 307-8 Wells Bldg., Milwaukee, representing the National League for Medical Freedom, upon all medical legislation.

C. A. Seifert, 424 W. Wilson St., Madison, Examiner of Accounts, R. R. Commission of Wis., representing himself upon No. **302, A.**, relating to C. P. A.

Nicholas Schwinn, 840 35th St., Milwaukee, representing Steam Fitters' Local No. 83, Milwaukee, upon No. **40, A.**

Albert D. Stebbins, 307-15 Mitchell Bldg., Milwaukee, representing Geo. Apfelbacher, Summit, upon No. **269, A.**

Albert Vollendorf, 137 Chambers St., Milwaukee, representing himself upon No. **40, A.**

Frank J. Weber, 528 Chestnut St., Milwaukee, representing Wisconsin Federation of Labor, J. J. Handley, 401—17th Ave., Milwaukee, upon all legislation covering labor.

F. J. Zimmermann, 3412 St. Paul Ave., Milwaukee, representing himself upon No. **40, A.**

James T. Drought, lawyer, 97 Wisconsin St., Milwaukee, rep-

senting Wis. State Automobile Ass'n, 97 Wisconsin St., Milwaukee, upon all automobile and general legislation, Wis. State Hotel Ass'n, 99 Wisconsin St., Milwaukee, upon all hotel and general legislation, Wis. State Employers' Ass'n, 97 Wisconsin St., Milwaukee, upon all legislation affecting employers of labor and their employees.

Frank W. Lucas, Madison, Wis., representing Wis. State Bottlers' Ass'n, 227 Milwaukee St., Milwaukee, upon legislation affecting public health, and misbranding of goods.

Henry Lockney, lawyer, Waukesha, Wis., representing himself upon No. **44, A.**

Max Sells, atty., Florence, Wis., representing Florence Iron Co., Reserve Iron Co., upon No. **40, A.**, and No. **215, A.**, and Town of Florence, upon town matters.

Sam. T. Swanson, atty., Madison, Wis., representing committee Dane County Bar, upon legislation affecting ninth judicial circuit.

Albert N. Stebbins, 307-15 Mitchell Bldg., Milwaukee, representing Geo. Apfelbacher, Summit, Waukesha Co., upon No. **269, A.**

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has concurred in Jt. Res. No. 3, S.,
Jt. Res. No. 13, S.

And has passed, and asks concurrence in,
No. **96, A.**,
No. **97, A.**, and
No. **169, A.**

CLERK'S REPORT.

The chief clerk reports No. **2, S.**, correctly enrolled.

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

No. **96, A.** To committee on State Affairs.

No. **97, A.** To committee on State Affairs.

No. **169, A.** To committee on Judiciary.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 5:00 o'clock p. m.

5:00 O'CLOCK P. M.

The senate was called to order by the president.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **275, S.** (Revision No. 254). By Senator Teasdale. To special committee on Conservation.
- No. **276, S.** (Revision No. 312). By Senator Monk. To committee on Education and Public Welfare.
- No. **277, S.** (Revision No. 313). By Senator Hoyt (by request). To committee on Education and Public Welfare.
- No. **278, S.** (Revision No. 317). By Senator Stevens. To committee on Education and Public Welfare.
- No. **279, S.** (Revision No. 319). By Senator Zophy. To committee on Corporations.
- No. **280, S.** (Revision No. 325). By Senator Perry. To committee on Finance.
- No. **281, S.** (Revision No. 327). By Senator Cunningham (by request). To committee on State Affairs.
- No. **282, S.** (Revision No. 329). By Senator Scott. To committee on Education and Public Welfare.
- No. **283, S.** (Revision No. 336). By Senator Burke (by request). To committee on State Affairs.
- No. **284, S.** (Revision No. 338). By Senator Burke (by request). To committee on Judiciary.
- No. **285, S.** (Revision No. 340). By Senator Burke (by request). To committee on Corporations.
- No. **286, S.** (Revision No. 342). By Senator Bosshard. To committee on Judiciary.
- No. **287, S.** (Revision No. 343). By Senator Bosshard. To committee on State Affairs.
- No. **288, S.** (Revision No. 344). By Senator Bosshard. To committee on State Affairs.
- No. **289, S.** (Revision No. 345). By Senator Bosshard. To committee on State Affairs.
- No. **290, S.** (Revision No. 347). By Senator Bosshard. To special committee on Insurance.
- No. **291, S.** (Revision No. 348). By Senator Bosshard. To special committee on Insurance.

- No. **292, S.** (Revision No. 349). By Senator Bosshard. To committee on Judiciary.
- No. **293, S.** (Revision No. 355). By Senator Linley (by request). To committee on Corporations.
- No. **294, S.** (Revision No. 366). By Senator True. To committee on Finance.
- No. **295, S.** (Revision No. 304). By Senator Scott. To special committee on Insurance.
- No. **296, S.** (Revision No. 305). By Senator Scott. To special committee on Insurance.
- No. **297, S.** (Revision No. 320). By Senator True. To committee on Finance.
- No. **298, S.** (Revision No. 321). By Senator H. C. Martin. To committee on Education and Public Welfare.
- No. **299, S.** (Revision No. 322). By Senator Burke. To committee on Education and Public Welfare.
- No. **300, S.** (Revision No. 323). By Senator Burke. To committee on Education and Public Welfare.
- No. **301, S.** (Revision No. 328). By Senator Scott. To committee on Finance.
- No. **302, S.** (Revision No. 330). By Senator A. E. Martin. To committee on Corporations.
- No. **303, S.** (Revision No. 332). By Senator Skogmo. To committee on Finance.
- No. **304, S.** (Revision 333). By Senator Skogmo. To committee on State Affairs.
- No. **305, S.** (Revision No. 334). By Senator Burke. To committee on State Affairs.
- No. **306, S.** (Revision No. 335). By Senator : To committee on Judiciary.
- No. **307, S.** (Revision No. 339). By Senator Bu To committee on Finance.
- No. **308, S.** (Revision No. 370). By Senator Scott. To committee on Finance.
- No. **309, S.** (Revision No. 371). By Senator Scott. To committee on Education and Public Welfare.
- No. **310, S.** (Revision No. 373). By Senator Scott. To committee on Education and Public Wesfore.
- No. **311, S.** (Revision No. 374). By Senator Scott. To committee on Finance.
- No. **312, S.** (Revision No. 375). By Senator Weigle. To committee on Education and Public Welfare.

- No. **313, S.** (Revision No. 376). By Senator Glenn. To committee on State Affairs.
- No. **314, S.** (Revision No. 377). By Senator Stevens. To committee on Judiciary.
- No. **315, S.** (Revision No. 387) By Senator Teasdale. To committee on Corporations.
- No. **316, S.** (Revision No. 392). By Senator Ackley (by request). To committee on Finance.
- No. **317, S.** (Revision No. 395). By Senator Hustung. To committee on State Affairs.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **54, S.**,

Passage.

HOWARD TEASDALE,

Chairman.

The committee on Finance report and recommend:

No. **29, S.**,

Passage.

GEO. E. SCOTT,

Chairman.

Upon request of Senator Scott,

All rules interfering were suspended by unanimous consent, and

No. **29, S.**,

Was placed upon its final passage at this time.

No. **29, S.**,

A bill to repeal subsection (4) of section 1087m—22 of the statutes and to create subsection 4 of section 1087m—22 of the statutes, relating to the correction of errors in tax rolls.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 27; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—27.

Noes—None.

Absent or not voting—Senators Bishop, Browne, Hoyt, Huber, Hustung, and White—6.

And so the bill was passed.

ADJOURNMENT.

Upon motion of Senator H. C. Martin,
The senate adjourned.

THURSDAY, FEBRUARY 20, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rabbi Emil G. Hirsch of Chicago, Ill.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—30.

Absent—Senators Richards and White—2.

Absent with leave—Senator Husting—1.

The journal of yesterday was approved.

BILLS FOR REVISION.

The committee on Judiciary offered one bill for revision.

RESOLUTION INTRODUCED.

Res. No. 15, S.

Senator Ackley offered the following substitute amendment:

Substitute amendment No. 1, S., to resolution No. 15, S.

Resolved, That rule 12 of the rules of this senate be amended to read as follows:

12. **Who may be admitted to the floor.** Persons of the following classes, and no others, shall be admitted to that portion of the floor of the senate reserved to the members during the session thereof, viz.: The governor, lieutenant governor, members of the legislature, state officers, regents of the university, regents of the normal schools, members of congress, judges of the supreme court and other courts, and ex-members of the legislature, and none of the

above shall have the privilege of the floor who are registered as lobbyists or engaged in defeating or promoting any pending legislation, *excepting during recess and such times as the senate is not in actual session.* No ex-senator or any other person who shall be directly or indirectly interested in defeating or promoting any pending legislation, whether registered as lobbyists or not, shall have the privilege of the floor of the senate ~~at any time.~~ *excepting during recess and when the senate is not in actual session, provided that said person shall be admitted only upon the express invitation of some senator, and then the privileges of the floor shall only be extended to such person as the senator at whose invitation such person entered, shall permit.* All editors of newspapers within the state and reporters for the press, who confine themselves to their professional duties, shall have the privilege of the floor of the senate except that during the sessions of the senate such privilege shall extend only to the press lobby. The foregoing rule shall not be deemed to exclude such ~~other~~ persons as may be invited to seats on the floor of the senate by a member or the presiding officer thereof.

Senator Randolph asked unanimous consent that Rule 39 be suspended and the substitute amendment be considered at once.

The president stated whereas Res. No. 15, S., has privilege of immediate consideration under Rule 75, the substitute amendment comes within the exception in Rule 39, and need not lie over for printing, but has privilege of immediate consideration.

Substitute amendment No. 1, S., was refused adoption.

The question then was, Shall Res. No. 15, S., be adopted?

The ayes and noes were required, and the vote was: Ayes, 7; noes, 22; absent or not voting, 4, as follows:

Ayes—Senators Albers, Burke, Cunningham, Martin A. E., Perry, Stevens, and Teasdale—7.

Noes—Senators Ackley, Bichler, Bishop, Bosshard, Browne, Culbertson, Glen, Hoyt, Huber, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, and Zophy—22.

Absent or not voting—Senators Husting, Richards, Snover, and White—4.

And so the senate refused to adopt the resolution.

BILLS INTRODUCED.

Read first and second times and referred.

No. **318, S.** (Revision No. 255). By Senator Zophy. To committee on Corporations.

No. **319, S.** (Revision No. 296). By Senator Scott. To special committee on Insurance.

No. **320, S.** (Revision No. 301). By Senator Scott. To special committee on Insurance.

- No. **321, S.** (Revision No. 303). By Senator Scott. To committee on Insurance.
- No. **322, S.** (Revision No. 308). By Senator Burke (by request). To committee on Judiciary.
- No. **323, S.** (Revision No. 309). By Senator Burke (by request). To committee on Judiciary.
- No. **324, S.** (Revision No. 351). By Senator Husting. To committee on Corporations.
- No. **325, S.** (Revision No. 356). By Senator Kileen (by request). To committee on Corporations.
- No. **326, S.** (Revision No. 357). By Senator Kileen (by request). To committee on Education and Public Welfare.
- No. **327, S.** (Revision No. 358). By Senator Kileen (by request). To committee on Corporations.
- No. **328, S.** (Revision No. 359). By Senator Kileen (by request). To committee on Corporations.
- No. **329, S.** (Revision No. 383). By Senator Monk (by request). To committee on State Affairs.
- No. **330, S.** (Revision No. 384). By Senator Randolph. To committee on State Affairs.
- No. **331, S.** (Revision No. 386). By Senator Teasdale. To committee on Corporations.
- No. **332, S.** (Revision No. 389). By Senator Cunningham. To committee on Finance.
- No. **333, S.** (Revision No. 393). By Senator Husting. To committee on State Affairs.
- No. **334, S.** (Revision No. 394). By Senator Husting. To committee on State Affairs.
- No. **335, S.** (Revision No. 396). By Senator Huber. To committee on Education and Public Welfare.
- No. **336, S.** (Revision No. 397). By Senator Huber. To committee on State Affairs.
- No. **337, S.** (Revision No. 399). By Senator Kileen (by request). To committee on Judiciary.
- No. **338, S.** (Revision No. 400). By Senator Kileen (by request). To committee on Judiciary.

PETITIONS.

- Pet. No. 8, S. By Senator Tomkins. To committee on Corporations.
- Pet. No. 9, S. By Senator Tomkins. To committee on Corporations.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **15, S.**,

No. **16, S.**,

No. **24, S.**,

No. **63, S.**, and

No. **157, S.**,

Indefinite postponement.

No. **36, S.**,

Passage.

No. **110, S.**,

Passage, Senator Burke dissenting.

E. F. KILEEN,
Chairman.

The committee on Corporations report and recommend:

No. **22, S.**,

No. **27, S.**, and

No. **45, S.**,

Indefinite postponement.

No. **153, S.**,

Adoption of amendment No. 1, S., and passage.

No. **137, S.**, and

No. **158, S.**,

Passage.

OTTO BOSSHARD,
Chairman.

ASSEMBLY MESSAGE CONSIDERED.

No. **9, S.**,

Upon motion of Senator Linley,

Laid over until Tuesday, February 25, 1913.

RESOLUTION CONSIDERED.

Jt. Res. No. 16, S.,

Read third time.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 28; noes, 1; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—28.

Noes—Senator Perry—1.

15—S. J.

Absent or not voting—Senators Husting, Richards, Snover, and White—4.

And so the resolution was adopted.

BILLS READY FOR ENGROSSMENT.

No. **42, S.**

Amendment No. 1, S.

Senator Albers offered amendment No. 2, S.

Upon motion of Senator H. C. Martin,

No. **42, S.**, and pending amendments,

Was re-referred to committee on Judiciary.

No. **68, S.**

Upon motion of Senator Linley,

Was re-referred to committee on Judiciary.

Senator Bosshard moved that Rule 11 be suspended for this session.

Senator Randolph objected.

The question was, Shall Rule 11 be suspended?

The ayes and noes were required, and the vote was: Ayes, 11, noes, 18; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bosshard, Culbertson, Glenn, Kellogg, Martin A. E., Martin H. C., Snover, and Stevens—11.

Noes—Senators Browne, Burke, Cunningham, Hoyt, Huber, Kileen, Linley, Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—18.

Absent or not voting—Senators Bishop, Husting, Richards, and White—4.

And so the senate refused to suspend the rule.

No. **71, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **72, S.**, and

No. **74, S.**,

Were each severally ordered engrossed and read a third time.

No. **23, S.**

Senator Zophy offered amendment No. 1, S.,

Which amendment was adopted.

Senator Linley offered amendment No. 2, S.,

Which amendment was refused adoption.

Upon motion of Senator Zophy,

No. **23, S.**,

Was re-referred to committee on Judiciary.

No. **59, S.**

A bill to create section 4256b of the statutes, relating to causes of action for illicit sexual intercourse.

Senator Linley offered amendment No. 1, S.

The question was, Shall amendment No. 1, S., to No. **59, S.**, be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 19; noes, 8; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Browne, Culbertson, Cunningham, Glenn, Huber, Linley, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, and Zophy—19.

Noes—Senators Albers, Bishop, Burke, Hoyt, Kileen, Martin H. C., Weigle and Weissleder—8.

Absent or not voting—Senators Husting, Kellogg, Richards, Snover, True, and White—6.

And so the amendment was adopted.

The question then was, Shall No. **59, S.**, be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 28; noes, none; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—28.

Noes—None.

Absent or not voting—Senators Husting, Kellogg, Richards, Snover, and White—5.

And so the bill was definitely postponed.

Senator Linley arose to a question of parliamentary inquiry:

Did not the adoption of the amendment make the question, Shall the bill be ordered engrossed and read a third time?

The president stated: The practice of the senate when the committee recommends indefinite postponement, is to put the question upon the recommendation of the committee.

Senator Linley moved that the vote by which No. **59, S.**, was indefinitely postponed, be reconsidered.

A division was called for, and the motion was lost.

No. **73, S.**,

Was indefinitely postponed.

BILLS READY FOR A THIRD READING.

No. **21, S.**,

Was re-referred to committee on Finance.

No. **61, S.**, and

No. **65, S.**,

Were each severally read a third time, and passed.

ADJOURNMENT.

Upon motion of Senator Scott,

The senate adjourned.

FRIDAY, FEBRUARY 21, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. I. F. Roach.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bishop, Bosshard, Browne, Culbertson, Glenn, Huber, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and Zophy—22.

Absent—Senators Albers, Burke, Cunningham, Hoyt, Martin A. E., Perry, Richards, Skogmo, Weigle, and White—10.

Absent with leave—Senator Hustung—1.

LEAVE OF ABSENCE.

Upon request of Senator Tomkins,

Leave of absence was granted to Senator Skogmo for this session.

The journal of yesterday was approved.

MOTIONS.

Senator Linley asked unanimous consent to move that the vote by which No. **59, S.**, was indefinitely postponed be reconsidered.

Such consent being given,

Senator Linley moved that the vote by which No. **59, S.**, was indefinitely postponed, be reconsidered.

The president put the motion.

Senator Browne rose to a question of parliamentary inquiry: The senate having refused yesterday to reconsider this vote, can a motion to reconsider be entertained today, even by unanimous consent?

The president stated, that had such a point of order been made before the motion was entertained he would have ruled, but unanimous consent having been given Senator Linley to make the motion, and the motion having been made, entertained and put, such a point of order could not now be made.

The question was, Shall the vote by which No **59, S.**, was indefinitely postponed be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 22; noes, 1; absent or not voting, 10; as follows:

Ayes—Senators Ackley, Biehler, Bishop, Bosshard, Browne, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and Zophy—22.

Noes—Senator Culbertson—1.

Absent or not voting—Senators Albers, Burke, Cunningham, Hustung, Martin A. E., Perry, Richards, Skogmo, Weigle, and White—10.

And so the vote was reconsidered.

Upon motion of Senator Bosshard,

No. **59, S.**,

Was laid over until Wednesday, Feb. 26, 1913.

BILLS INTRODUCED.

Read first and second times and referred.

- No. **339, S.** (Revision No. 273). By Senator Ackley. To special committee on Conservation.
- No. **340, S.** (Revision No. 279). By Senator Culbertson (by request). To special committee on Insurance.
- No. **341, S.** (Revision No. 293). By Senator Burke. To committee on Finance.
- No. **342, S.** (Revision No. 306). By Senator Scott. To special committee on Insurance.
- No. **343, S.** (Revision No. 310). By Senator Burke. To committee on State Affairs.
- No. **344, S.** (Revision No. 316). By Senator Stevens. To committee on Judiciary.
- No. **345, S.** (Revision No. 318). By Senator Zophy. To committee on Corporations.
- No. **346, S.** (Revision No. 346). By Senator Bosshard. To committee on Finance.
- No. **347, S.** (Revision No. 354). By Senator Linley. To committee on Corporations.
- No. **348, S.** (Revision No. 360). By Senator Kileen. To committee on Judiciary.

- No. **349, S.** (Revision No. 363). By Senator Weigle. To committee on Finance.
- No. **350, S.** (Revision No. 365). By Senator Teasdale. To special committee on Highways.
- No. **351, S.** (Revision No. 368). By Senator Kileen. To committee on Judiciary.
-

PETITIONS.

- Pet. No. 10, S. By Senator Monk (by request). To committee on Education and Public Welfare.
- Pet. No. 11, S. By Senator Monk (by request). To committee on Education and Public Welfare.
- Pet. No. 12, S. By Senator Browne. To committee on Education and Public Welfare.
-

COMMUNICATION.

FEBRUARY 21, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, residence and occupation of counsel; name and address of employer, and subject of legislation.

W. R. Foley, Attorney at Law, Superior, Wis., representing Duluth Street Railway Co., Duluth, Minn., upon legislation affecting Street Railway Companies.

Irving Herriott, 226 W. Jackson blvd., Chicago, Ill., representing C. & N. W. Ry. Co., same address, upon all legislation affecting railroads and other corporations.

C. F. Lamb, Ellsworth Block, Madison, Wis., representing City and Village Ins. Co.'s Assn., Madison, Wis., acct. R. L. Adams, upon insurance matters.

Chas. D. Penny, Wauwatosa, Wis., representing Town of Greenfield, upon all legislation affecting towns similarly situated.

C. J. Boeckler, Jump River, Wis., lumberer and manufacturer, representing himself upon legislation affecting game laws.

Frederic Cranfield, Madison, Wis., secretary Wisconsin State Horticultural Society, representing Wisconsin State Horticultural Society upon bills affecting horticulture.

A. H. Hartwig, Watertown, Wis., representing himself upon all livestock, sanitary and veterinary matters.

J. T. Hershheim, Pleasant Prairie, Wis., representing himself upon all livestock, sanitary and veterinary matters.

Geo. C. Witherby, Eau Claire, Wis., representing himself upon education (at request of Senator Ackley).

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **14, S.**,

Adoption of amendment No. 1, S., and passage.

No. **25, S.**,

No. **102, S.**, and

No. **243, S.**,

Passage.

No. **80, S.**,

Indefinite postponement, Senator Linley dissenting.

No. **31, S.**,

No. **112, S.**, and

No. **109, S.**,

Indefinite postponement.

E. F. KILEEN,
Chairman.

The joint committee on Finance report and recommend:

No. **1, S.**,

Passage.

No. **90, S.**, and

No. **152, S.**,

Indefinite postponement.

G. E. SCOTT,
Chairman, Senate Committee.
R. J. NYE,
Chairman, Assembly Committee.

BILLS READY FOR ENGROSSMENT.

No. **54, S.**,

Ordered engrossed and read a third time.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Ackley and Biehler until Wednesday, February 26, 1913.

ADJOURNMENT.

Upon motion of Senator Randolph,

The senate adjourned until Monday, February 24, 1913, at 8:30 clock p. m.

MONDAY, FEBRUARY 24, 1913.

8:30 O'CLOCK P. M..

The senate met.

The president and president pro tempore being absent,
The senate was called to order by the chief clerk.

Upon motion of Senator Scott,

Senator True was elected to preside for this session.

Prayer was offered by the Rev. C. F. Reichert of Immanuel
Evangelical Church of Madison.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of Friday, February 21, 1913, was approved.

BILLS INTRODUCED.

Read first and second times and referred.

No. **352, S.** (Revision No. 350). By Senator Huber. To committee on Judiciary.

No. **353, S.** (Revision No. 398). By Senator Tomkins. To committee on Corporations.

COMMITTEE REPORTS.

The chief clerk reports No. **71, S.**, correctly engrossed.

The chief clerk under Rule 32 makes the following corrections in No. **71, S.**:

Strike out the word "be" where it occurs between the words, "section" and "invalid" in line 13, and insert the word "is".

Strike out the word "this" in line 14 and insert the word "the".

Insert the words, "of the passage of this act" after the word "date" in line 14.

Strike out the word "act" where it occurs in line 14 and insert the word "section".

Strike out the word "the" where it occurs in line 18 between the words "of" and "act" and insert the word "this".

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

Jt. Res. No. 10, S.

Has adopted, and asks concurrence in,

Jt. Res. No. 25, A.

Has passed, and asks concurrence in bills,

No. **4, A.**,

No. **7, A.**,

No. **22, A.**,

No. **55, A.**,

No. **64, A.**, and

No. **89, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

Jt. Res. No. 25, A. To committee on Judiciary.

No. **4, A.** To committee on Education and Public Welfare.

No. **7, A.** To committee on Corporations.

No. **22, A.** To committee on State Affairs.

No. **55, A.** To committee on Education and Public Welfare.

No. **64, A.** To committee on Judiciary.

No. **89, A.** To committee on State Affairs.

BILLS READY FOR ENGROSSMENT.

No. **36, S.**,

No. **110, S.**, and

No. **137, S.**,

Were each severally ordered engrossed and read a third time.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

TUESDAY, FEBRUARY 25, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. C. F. Reichert.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bishop, Bosshard, Browne, Culvertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—28.

Absent—Senators Burke, Hoyt, Husting and Weigle.

Absent with leave—Senator Bichler.

LEAVE OF ABSENCE.

Upon request of Senator Bosshard,

Leave of absence was granted to Senator Husting until Thursday, February 27, 1913, and

To Senator Bichler for this session.

UNFINISHED BUSINESS.

BILLS READY FOR ENGROSSMENT.

No. **153, S.**

Amendment No. 1, S.,

Senator Monk offered amendment No. 1, S., to amendment No. 1, S.,

Which amendment was adopted.

Amendment No. 1, S., as amended, was adopted, and

No. **153, S.**, as amended,

Was ordered engrossed and read a third time.

No. **158, S.**,

Was ordered engrossed and read a third time.

Upon request of Senator Bosshard,

All rules interfering were suspended by unanimous consent, and

No. **137, S.**, and

No. **158, S.**,

Were placed upon their final passage at this time.

No. **137, S.**,

Was read a third time, and passed.

No. **158, S.**,

A bill to amend section 919c of the statutes, relating to borrowing money and raising a tax for the construction of sewers in villages, and validating proceedings heretofore had in respect thereto.

Was read third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 27; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Browne, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—27.

Noes—None.

Absent or not voting—Senators Biehler, Burke, Hoyt, Husting, Linley, and Weigle—6.

And so the bill was passed.

Upon request of Senator Bosshard,

All rules were suspended by unanimous consent, and

No. **158, S.**,

Was ordered messaged to the assembly at once.

No. **15, S.**,

No. **16, S.**, and

No. **63, S.**,

Were indefinitely postponed.

No. **24, S.**

A bill to amend section 3519a of the statutes, relating to the disposition of estates of infants.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 5; noes, 22; absent or not voting, 6, as follows:

Ayes—Senators Albers, Kileen, Richards, Tomkins, and Weiseleer—5.

Noes—Senators Ackley, Bishop, Bosshard, Browne, Cunningham, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, White, and Zophy—22.

Absent or not voting—Senators Bichler, Burke, Culbertson, Hoyt, Husting, and Weigle—6.

And so the senate refused to indefinitely postpone the bill.

No. 24, S.,

Was ordered engrossed and read a third time.

No. 22, S.

Senator Teasdale offered amendment No. 1, S.

Upon motion of Senator Teasdale,

No. 22, S., and pending amendment,

Was re-referred to committee on Judiciary.

No. 27, S.

Senator Teasdale offered amendment No. 1, S.,

Which amendment was refused adoption, and

No. 27, S.,

Was indefinitely postponed.

No. 45, S.

A bill to amend section 1798b of the statutes, relating to fares on railroad trains.

Senator Teasdale offered amendment No. 1, S.,

Which amendment was refused adoption.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 20; noes, 8; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Culbertson, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Scott, Skogmo, Snover, Stevens, Tomkins, True, Weissleder, White, and Zophy—20.

Noes—Senators Browne, Cunningham, Martin H. C., Monk, Perry, Randolph, Richards, and Teasdale—8.

Absent or not voting—Senators Bichler, Burke, Hoyt, Husting, and Weigle—5.

And so the bill was indefinitely postponed.

No. 157, S.

Senator Zophy offered amendment No. 1, S.

Upon motion of Senator Browne,

Re-referred to committee on Judiciary.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. 88, A.

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred

No. 88, A. To committee on Corporations.

BILLS READY FOR THIRD READING.

No. **72, S.**, and

No. **74, S.**,

Were each severally read a third time, and passed.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

MOTIONS.

Senator Ackley moved that Rule 11 be suspended.

The ayes and noes were required, and the vote was: Ayes, 10; noes, 14; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Huber, Kellogg, Martin II. C., Scott, Snover, Stevens, True, and Weigle—10.

Noes—Senators Browne, Culbertson, Cunningham, Kileen, Linley, Monk, Randolph, Richards, Skogmo, Teasdale, Tomkins, Weissleder, White, and Zophy—14.

Absent or not voting—Senators Biehler, Bishop, Bosshard, Burke, Glenn, Hoyt, Husting, Martin A. E., and Perry—9.

And so the senate refused to suspend the rule.

Upon request of Senator Teasdale,

And by unanimous consent,

No. **149, S.**, was recalled from the committee on Corporations and re-referred to committee on Judiciary.

BILLS INTRODUCED.

Read first and second times and referred.

No. **354, S.** (Revision No. 390). By Senator Cunningham. To committee on State Affairs.

PETITIONS.

- Pet. No. 13, S. By Senator Kellogg. To committee on Education and Public Welfare.
- Pet. No. 14, S. By Senator Monk. To committee on Education and Public Welfare.
- Pet. No. 15, S. By Senator True. To committee on State Affairs.
- Pet. No. 16, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 17, S. By Senator Stevens. To committee on Finance.
- Pet. No. 18, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 19, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 20, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 21, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 22, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 23, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 24, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 25, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 26, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 27, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 28, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 29, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 30, S. By Senator Bishop. To committee on Education and Public Welfare.
- Pet. No. 31, S. By Senator Bishop. To committee on Education and Public Welfare.

COMMUNICATIONS TO THE SENATE.

STATE BOARD OF CONTROL OF WISCONSIN,

MADISON, February 21, 1913.

To the Honorable, the Legislature of the State of Wisconsin:

Pursuant to the provisions of section 6 of chapter 585 of the laws of 1911, authorizing and directing the state board of control to "secure options for the purchase of sites suitable for the purpose of erecting and establishing thereon a reformatory to which certain female offenders may be committed or sentenced for their protection and reformation," and further authorizing and directing the board of control "to investigate and ascertain the probable cost of establishing and equipping such an institution, including cost of the real estate upon which the same shall be erected," the state board of control of Wisconsin begs leave to submit as follows:

We have advertised for and have secured options on several sites located in various portions of the southern and southeastern part of the state of Wisconsin. Several of the sites offered did not recommend themselves owing to close proximity to cities or villages, or to improper railroad facilities, or to improper building sites, or to insufficient acreage.

After careful examination and selection, we recommend for the purposes above mentioned the purchase of the following tracts located in sections 5 and 6, township 15 north, range 18 east, in Fond du Lac county, Wisconsin:

Sabel tract, 172½ acres.....	\$24,500 00
Mrs. Anna White tract, 12 acres.....	1,300 00
Roberts tract, approximately 50 acres.....	5,000 00
Whitcomb tract, 4 acres.....	400 00
Cameron tract, 4 acres.....	400 00

Total, 242½ acres.....\$31,600 00

This tract is admirably located between three and four miles from the city of Fond du Lac, about one-half mile from the village of Taycheedah and within a quarter of a mile of the Chicago & Northwestern railroad. Excellent building sites are afforded. Building material for stone and concrete work is abundant. The soil for agricultural purposes is very good.

The tract is sufficiently large to accommodate the increase in growth of the institution and to prevent encroachment upon the institution by the location of houses and dwellings around its border.

The buildings required for immediate use and their estimated cost are as follows:

Administration building.....	\$60,000 00
Two cottages or dormitories to accommodate 30 to 35 inmates each.....	80,000 00
Heating and power plant.....	15,000 00
Laundry	10,000 00
Equipment of laundry.....	3,000 00
Equipment of cottages.....	8,000 00
Equipment of administration building....	5,000 00
Architects' fees	5,000 00
Salary of superintendent of construction..	2,000 00
Estimated cost of grading, building roads, walks and sewers	5,000 00

Total\$193,000 00

Plats showing the location, etc., of the said tracts are on file in the office of the board of control.

These estimates are based on our experience in the construction of cottages and buildings at other institutions within the state. We, therefore, estimate an appropriation of \$225,000.00 will be necessary to purchase a site and to provide the buildings for immediate requirements.

Respectfully submitted,

STATE BOARD OF CONTROL OF WISCONSIN.

By Ralph E. Smith, Pres.

Referred to the committee on Finance.

REPORT OF MINNESOTA-WISCONSIN BOUNDARY COMMISSION.

To the Legislature of the State of Wisconsin:

The joint committee created by Joint Resolution No. 72 of the legislature of 1911, entitled, "A Joint Resolution appointing a committee to confer with the committee from the Legislature of the State of Minnesota heretofore appointed, relative to settle-

ment of boundary line dispute between the State of Minnesota and the State of Wisconsin, and matters incident thereto and to submit recommendations in regard thereto," begs leave to submit the following report:

On the 5th day of August, 1911, your committee met with the committee of the legislature of Minnesota, at the Minnesota state capitol, and said committees were there organized as a joint boundary commission. The commission then fixed upon a date and place of meeting to take up the questions in issue. Pursuant thereto the joint commission convened at the city of Red Wing, Minnesota, on August 29th, 1911, and thence proceeded by boat to view that part of the disputed boundary extending through Lake Pepin, making a thorough examination thereof.

On August 30th, 1911, the joint commission reconvened at the city of Duluth, Minnesota, and there heard representatives of the commercial interests of that city and of the property owners affected by the boundary dispute in the St. Louis river and the St. Louis bay. The U. S. ship Vidette was placed at the service of the commission by the Federal officers in charge and the commission made an examination of the shores, channels and waters of Superior bay, St. Louis bay, Spirit lake and the waters of the St. Louis river through which the boundary line extends. The commission then adjourned to the city of Superior, Wisconsin, where a hearing was granted the representatives of the commercial and property interests of that city affected by the dispute.

After this hearing, your committee submitted to the joint commission, a statement setting forth the claims of Wisconsin relative to the disputed boundary line, which statement is as follows:

STATEMENT OF THE POSITION OF THE WISCONSIN COMMITTEE ON
THE ST. LOUIS RIVER BOUNDARY LINE CONTROVERSY.

The committee representing the state of Wisconsin, contends that the boundary line between the states of Wisconsin and Minnesota through the St. Louis river, is identical with the center of the main channel of said river, as the same is indicated on maps and records of the United States war department, made prior to the construction of artificial channels in said river. It

believes this position well grounded in the law, and will adhere to same unless confronted by weighty and convincing consideration.

It may be that on account of modern commercial conditions, it is desirable that this line be varied somewhat. Upon this proposition this committee expresses no opinion at this time. If, after a thorough consideration of the premises, it should seem desirable to bring about any changes in such line, it will be the purpose of this committee to consider whether a new line may be established that will promote commercial interests without seriously affecting the jurisdiction of the two states; but it will maintain at all times that any material surrender of jurisdiction by Wisconsin shall be compensated in kind by Minnesota.

(Signed) W. C. OWEN,
PAUL O. HUSTING,
C. A. INGRAM,
J. E. McCONNELL,
A. M. LONG,

Committee on the Part of Wisconsin.

August 31st, 1911, the joint commission reconvened at the city of Superior, Wisconsin, and the committee on the part of the state of Minnesota then submitted to the joint commission statement, setting forth on the part of that state, its claims as to the disputed boundary line.

STATEMENT OF THE MINNESOTA COMMITTEE ON THE INTERSTATE
BOUNDARY IN THE WATERS AT THE HEAD OF LAKE SUPERIOR,
INCLUDING THE ST. LOUIS RIVER.

The committee representing the state of Minnesota, begs to submit the following statement in reply to the statement of the Wisconsin committee:

We regard the Duluth-Superior bay and the bay of St. Louis as an arm of Lake Superior and as waters of the lake, and that St. Louis bay extends up as far at least as the union therewith of the channel that skirts around the southwesterly end of Big Island. That the constitutional boundary through the middle of Lake Superior to the mouth of the St. Louis river and through the main channel of the river to the first rapids above the Indian village (Fond du Lac) is but a general outline and in no manner conflicts with this view as the mouth of the river is not fixed and from the very nature of

things there was no attempt made at detail in the description of the constitutional boundary. The general government, under the paramount power reserved in it, had conducted extensive improvements in these waters in aid of navigation and commerce and has established dock lines on either side beyond which property owners may not go with their improvements except at the risk of being required to remove or relinquish them without compensation.

Above Big Island it may be conceded that there is an evenly defined main channel of the river. The government improvements are fast taking the form of deepening the entire waters of these bays outside the dock line. The growth of commerce requires it. As the waters narrow in Upper St. Louis bay, and into the banks of the river beyond Big Island, the government has improved the channel by deepening the ship course between the banks and between the dock lines, and substantially through the middle of the channel. The sinuous course of deepest soundings, which was impracticable for ship course in modern commerce, has been improved by a better course less sinuous, but curving with the general course of the boundary waters and greatly facilitating commerce thereon. Two great cities are growing up on opposite shores, whose interests, unaffected by friendly rivalry, are in the broad sense, in common. It is the view of the Minnesota committee that the bed of all these waters, so far as title is concerned, rests in the respective states in sovereign capacity as an inalienable trust. That the interstate boundary line therein should be settled as a matter of convention on a broad and practical basis, so as to preserve to each state and the citizens thereof, access to the navigable and navigated waters. That this principle and constitutional boundary will be given full force and effect by extending the line from the Superior entry, between Minnesota and Wisconsin points, midway between the dock line, as near as may be, to and through the entry between Rice's and Connor's points, passing through the center of the swing pier of the inter-state bridge and midway between the two draws of the Northern Pacific bridges and trestle, thence up through the middle of St. Louis bay, midway between the harbor lines, passing through the center of the swing pier of the Northern Pacific Grassy Point bridge and through the middle of Upper St.

Louis bay, midway between the dock lines, and as the waters narrow in Upper St. Louis bay, between Big Island and the Minnesota shore, through the middle of the improved government channel, which passes substantially through the middle of the waters at the upper end of the Bay and St. Louis river. Such a conclusion—reported to our respective states and confirmed by the legislatures thereof, and by congress, would settle for all time any controversy of the boundary lines in these waters without injustice to either state, and preserve to the states, their citizens and their industries, the full benefits contemplated in making these navigable waters the boundaries between the states.

We do not consider this a matter of trade in any strict sense, but that the solution sought should be such as to give effect to the principle and purpose above mentioned. If it is deemed that such solution involves concessions, we submit that they are mutual and equitable.

Respectfully submitted,

THOMAS KNEELAND,
MANLEY L. FOSSEEN,
GEO. A. MCKENZIE,
AND. ANDERSON,

Committee.

The joint commission then being unable to agree, adjournment was had subject to the call of the chairman.

Several unsuccessful attempts were made to reconvene said committee, but without avail, until on December 11th, 1912, the joint commission reconvened at the Minnesota state capitol. Arguments upon the legal aspect of the controversy were presented to the commission by Assistant Attorney General Russell H. Jackson, on the part of Wisconsin, and by Attorney General Lynden A. Smith and Assistant Attorneys General Stevenson and Weeks on the part of Minnesota. The commission continued in session on December 12, 1912, and on the latter day, the committee on the part of the state of Minnesota submitted a proposition of settlement to your committee, which was practically the proposition submitted at the conference held in Superior on the 31st day of August, 1911, and which is hereinbefore set forth. This proposition was promptly rejected by your committee, and while it was be-

lieved that the differences between the two committees were so fundamental that further negotiations would be without avail, yet it was felt on the part of your committee that the commission should not dissolve without having exhausted all efforts looking towards a solution of a compromise of the controversy. For the purpose of again meeting with the people of the city of Superior, whose interests, both property and commercial, are most vitally affected, to consider whether any concession might be made to the state of Minnesota without sacrificing property rights and the dignity of the state, we asked an adjournment of the joint commission until the 18th day of December, 1912. In the meantime your committee went to Superior and met a large number of the people of that city at the Commercial Club rooms, where the matter was thoroughly discussed by prominent citizens of Superior. From this discussion, it was made apparent to your committee that for reasons affecting property rights and the future destiny of the city of Superior, as well as the dignity of the state, your committee should adhere strictly to its position as submitted to the joint commission at Superior, on the 30th day of August, 1911, which is hereinbefore set forth at length.

The joint commission then reconvened at St. Paul, on the 18th day of December, 1912, and the committee from each of the states submitted to the joint commission its purpose to adhere to their respective positions as originally stated. It was, therefore, apparent that further negotiations looking to any amicable solution of the dispute would be futile.

The joint commission did, however, give further consideration to the situation existing in Lake Pepin. It was recognized that the dispute arising with reference to the boundary line, where the same extends through that lake, grows out of the enforcement of the police regulations concerning the subject of fishing in its waters. Upon due consideration of the situation in that lake, it was unanimously agreed that the dispute over the boundary line where it runs through said Lake Pepin, would be eliminated if uniform fishing laws could be adopted by the two states and an agreement reached whereby a license from one state would be recognized by the other, so that any person licensed to fish in the waters of Lake Pepin, by either state, could exercise that right throughout the entire breadth of the lake.

The joint commission then reduced its conclusions to writing, which conclusions are as follows, to-wit:

We, the undersigned members of the joint boundary line commission, appointed by the respective legislatures of the states of Minnesota and Wisconsin to consider certain matters in dispute concerning the boundary line between the two states, having fully deliberated upon the matters committed to us for our consideration, subscribe to and agree to the following conclusions as the result of our conference.

First—The controversy existing between the two states concerning the boundary line is fundamental and substantial, and we find and determine that there is no opportunity to an adjustment of this controversy which does not involve a complete surrender by one or the other of the states of its position and contention with reference thereto. We therefore agree that this commission can arrive at no satisfactory adjustment of these differences.

Second—This commission is very strongly of the opinion that considerations of public policy on the part of both states demand uniform legislation by the two states upon the subject of fish and game regulations on the boundary waters between the two states, and especially upon the Mississippi river, Lake St. Croix, and that part of the Mississippi river known as Lake Pepin, and for the purpose of promoting such uniform legislation we agree to recommend to the legislatures of our respective states the appointment of appropriate committees to act conjointly in formulating and presenting to their respective bodies such proposed legislation upon this subject, tending to prevent conflict between the jurisdictions and authorities of the two states, with reference to such matter. We believe such legislation should provide that the citizens of each state should secure their licenses to fish in such waters from the state of which they are residents, and that such licenses should be recognized by the other state so that the licensees can enjoy the rights of fishing anywhere in the boundary waters upon the licenses issued to them by the state of which they are residents.

It is also the opinion of this commission that neither state should require a license fee to be paid by the citizens of the other state, for the purpose of fishing with hook and line in the boundary waters between the two states.

In signing these conclusions it is understood that the position

of the two states with reference to the boundary line, is in no sense affected or modified, and that nothing herein contained shall be considered as prejudicing in any sense the position of either state assumed with reference to such controversy.

Dated this 18th day of December, 1912.

THOMAS KNEELAND,
GEORGE A. MCKENZIE,
ANDREW ANDERSON,
MANLEY L. FOSSEEN,
GEO. H. SULLIVAN,

Commissioners on the part of the State of Minnesota.

W. C. OWEN,
PAUL O. HUSTING,
C. A. INGRAM,
A. H. LONG,
J. E. MCCONNELL,

Commissioners on the part of the State of Wisconsin.

Your committee, therefore, reports that the said joint commission was unable to agree to any proposed settlement of the boundary line dispute between the two states.

Your committee recommends that by appropriate resolution, a special joint committee be appointed and directed to meet and confer with a like committee of the legislature of the state of Minnesota, relative to uniform laws regulating and licensing the taking of fish from the waters of Lake Pepin and that in accordance with the conclusions of the joint commission hereinbefore set forth, said uniform laws be made to cover all boundary waters between Minnesota and Wisconsin, including Lake Pepin and Lake St. Croix. If such uniform and reciprocal laws are enacted, we believe that the suit now pending in the United States supreme court, instituted by the state of Minnesota to determine the boundary line through Lake Pepin, will be withdrawn.

Your committee has been mindful at all times of the desirability, if possible, of arriving at an understanding with the state of Minnesota concerning the disputed boundary line, but it was considered that no agreement should be made on the part of your committee which involved the surrender of any considerable jurisdiction on the part of the state of Wisconsin, with-

out appropriate compensation therefor from the state of Minnesota. It was apparent at the close of our deliberations that there was no middle ground that could be occupied. To arrive at an agreement involved the absolute surrender by one state or the other of its position in the controversy. This your committee would not do and we could not reasonably expect it from the state of Minnesota. While it is to be regretted that the dispute could not be settled in an amicable way, it is believed that a great deal of benefit will accrue to both states if the recommendations of this committee be carried out with reference to uniform legislation upon the subject of fishing in the boundary waters, and in this connection your committee may be pardoned if they urge the necessity of early action upon this recommendation, in view of the fact that the session of the legislature of the state of Minnesota is limited to ninety days.

All of which is respectfully submitted.

W. C. OWEN,

PAUL O. HUSTING,

C. A. INGRAM,

JOHN E. McCONNELL,

A. H. LONG,

Committee.

Referred to the committee on State Affairs.

COMMITTEE REPORTS.

To committee on Contingent Expenditures report and recommend:

Adoption of the resolutions offered herewith.

G. E. SCOTT,

Chairman.

Res. No. 16, S.

Resolved by the senate, That the following bills be paid out of the senate contingent fund under section 127—1 of the statutes: Welch & Carney, fees for taking proceedings of committee of the whole, February 5th and 6th, 1913, and furnishing transcript of the same, \$256.30; Milwaukee Sentinel Co., for chief clerk's advertisement for stenographers, 84 cents; Western Union Telegraph company for official messages, \$3.59.

By Committee on Contingent Expenditures.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 26; noes, 1; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bishop, Browne, Culbertson, Cunningham, Glenn, Huber, Kellog, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—26.

Noes—Senator Teasdale—1.

Absent or not voting—Senators Bichler, Bosshard, Burke, Hoyt, Husting, and Perry—6.

And so the resolution was adopted.

Res. No. 17, S.,

Resolved by the senate, That the proceedings of the committee of the whole on February 5th and 6th, 1913, be printed as an appendix to the senate journal.

By Committee on Contingent Expenditures.

Adopted.

The committee on State Affairs report and recommend:

No. **17, S.**,

Passage.

No. **19, S.**,

No. **33, S.**, and

No. **48, S.**,

Indefinite postponement.

No. **72, A.**,

Concurrence.

M. F. WHITE,
Chairman.

The committee on Education and Public Welfare report and recommend:

No. **55, A.**,

Concurrence.

HOWARD TEASDALE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **587, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

No. **587, A.** To calendar.

No. **9, S.**

Amendment No. 1, A.,

Was concurred in.

BILLS READY FOR ENGROSSMENT.

No. **1, S.**,

Ordered engrossed and read a third time.

Upon request of Senator Browne,

All rules interfering, were suspended by unanimous consent, and No. **1, S.**, was placed upon its final passage at this time.

No. **1, S.**,

A bill to appropriate sums of money therein named to the state highway fund and to the state highway commission.

Was read a third time.

The question was, Shall the bill pass.

The ayes and noes were required, and the vote was: Ayes, 26; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bishop, Browne, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—26.

Noes—None.

Absent or not voting—Senators Bichler, Bosshard, Burke, Hoyt, Husting, Perry, and Weigle—7.

And so the bill was passed.

Upon request of Senator Browne,

All rules interfering, were suspended by unanimous consent, and

No. **1, S.**

Was ordered messaged to the assembly at once.

No. **14, S.**

Amendment No. 1, S., adopted.

No. **14, S.**,

Ordered engrossed and read a third time.

No. **25, S.**,

No. **102, S.**, and

No. **243, S.**,

Were each severally ordered engrossed and read a third time.

Upon request of Senator Snover,
All rules interfering, were suspended by unanimous consent,
and

No. **14, S.,**

No. **25, S.,**

No. **102, S.,** and

No. **243, S.,**

Were placed upon their final passage at this time.

No. **14, S.,**

No. **25, S.,**

No. **102, S.,** and

No. **243, S.,**

Were each severally read a third time, and passed.

Upon request of Senator Snover,

All rules interfering, were suspended by unanimous consent, and

No. **243, S.,**

Was ordered messaged to the assembly at once.

No. **31, S.,**

Upon motion of Senator Kileen,

Referred to committee on Judiciary.

No. **90, S.**

Upon motion of Senator Scott,

Laid over until Thursday, February 27, 1913.

No. **80, S.,**

No. **109, S.,**

No. **112, S.,** and

No. **152, S.,**

Were each severally indefinitely postponed.

BILLS READY FOR THIRD READING.

No. **54, S.,**

Was read a third time, and passed.

ADJOURNMENT.

Upon motion of Senator Huber,
The senate adjourned.

WEDNESDAY, FEBRUARY 26, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by Pres. W. O. Carrier, of Carroll College, Waukesha, Wis.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Browne, Burke, Culbertson, Cunningham, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Absent—Senators Glenn and Hoyt—2.

Absent with leave—Senator Husting—1.

The journal of yesterday was approved.

MOTIONS.

Upon request of Senator A. E. Martin,

All rules interfering, were suspended by unanimous consent, and No. **55, A.**, was taken from tomorrow's calendar and placed upon its final concurrence at this time.

No. **55, A.**,

Was read a third time and concurred in.

Upon request of Senator A. E. Martin,

All rules interfering, were suspended by unanimous consent, and

No. **55, A.**,

Was ordered messaged to the assembly at once.

BILLS FOR REVISION.

Senator Browne offered one bill for revision.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 29, S.,

Resolved by the senate, the assembly concurring, That joint rule 2 of the senate and assembly be stricken out and that the following be joint rule 2:

2. Committees of conference. In all cases of disagreement between the senate and assembly on amendments, a committee of conference may be requested by the house in possession of the papers. The request, with the papers, shall be at once messaged to the other house. The message shall receive immediate consideration in the other house, and a committee of conference shall be agreed to. The conference committee shall consist of three managers for each house, and each house shall be notified by message of the managers for the other house.

The managers of the conference shall confine their report to the differences between the two houses committed to them. If the disagreement is upon simple amendments, they shall confine their report to the substance of such amendments. If the disagreement is upon a substitute amendment, they shall confine their report to the differences between the bill or resolution and the substitute.

The conference report shall be signed by at least a majority of the managers for each house and shall be presented to each house. A manager may be recorded as dissenting, but shall not present a minority report. The papers shall accompany the report to the house which agreed to the conference and the report shall be placed upon the next calendar. Action on the report shall be messaged, with the papers, to the other house at once. The conference report shall not be acted upon by the house that requested the conference until notice of the action of the other house and the papers shall be received by message, but may be considered at once upon receipt of such message.

Conference reports may be presented under any order of business. The question upon adoption shall be indivisible, and the adoption of the report shall be the only action necessary to pass the bill or resolution in the form recommended by the committee of conference. Conference reports may be amended only by joint resolution.

If the conference report recommends no change in the position of one house, action by that house on the report shall be unnecessary and the papers shall accompany the report to the other house.

By Senator Bosshard.

Laid over under the rules.

BILLS INTRODUCED.

Read first and second times and referred.

No. 355, S. (Revision No. 281). By Senator Linley. To committee on Education and Public Welfare.

- No. **356, S.** (Revision No. 382). By Senator Linley. To committee on Education and Public Welfare.
- No. **357, S.** (Revision No. 326). By Senator Linley (by request). To committee on Corporations.
- No. **358, S.** (Revision No. 353). By Senator Linley (by request). To committee on Corporations.
-

PETITIONS.

- Pet. No. 32, S. By Senator Zophy. To committee on Education and Public Welfare.
- Pet. No. 33, S. By Senator Zophy. To committee on Education and Public Welfare.
- Pet. No. 34, S. By Senator Burke. To committee on Education and Public Welfare.
- Pet. No. 35, S. By Senator Huber. To committee on Education and Public Welfare.
- Pet. No. 36, S. By Senator Huber. To committee on Education and Public Welfare.
- Pet. No. 37, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 38, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 39, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 40, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 41, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 42, S. By Senator Cunningham. To committee on Education and Public Welfare.
-

COMMUNICATION TO THE SENATE.

FEBRUARY 26, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Theo. W. Brazeau, Lawyer, Grand Rapids, Wis., representing **Rhineland Paper Co.**, Rhineland, Wis., **Rhineland Power Co.**, Rhineland, Wis., **Bradley Co.**, Tomahawk, Wis., **Marathon Paper Mills Co.**, Wausau, Wis., **Wausau Sulphite Fiber Co.**, Wausau, Wis., **Wausau Street Railway Co.**, Wausau, Wis., upon all legislation pertaining to water powers.

Chester D. Barnes, Lawyer, Kenosha, Wis., representing **Manufacturers' Association of Kenosha**, Kenosha, Wis., upon all legislation affecting the Mfrs.' Assn. of Kenosha, or the individual members thereof.

G. J. Davelear, Lawyer, Milwaukee, representing town of **Wauwatosa** and village of West Milwaukee, upon all bills relating to and affecting towns, villages and counties.

Cyril E. Marks, Lawyer, Madison, Wis., representing **Haswell Furniture Co.**, **Bailey Furniture Co.**, Madison, Wis., upon No. **429, A.**

Henry S. Sloan, Asst. Dist. Atty., Milwaukee County, Milwaukee, Wis., representing Milwaukee county, upon general legislation affecting Milwaukee county.

C. R. Welton, Atty., Pioneer Blk., Madison, representing **Wisconsin Music Co.**, Madison, Wis., upon No. **429, A.**

Walter Alexander, 3410 Chestnut St., Milwaukee, Wis., representing **C. M. & St. P. Ry.**, Milwaukee, Wis., upon all legislation affecting railroads.

George E. Allen, 3226 Chestnut St., Milwaukee, Wis., representing **C. M. & St. P. Ry.**, Milwaukee, Wis., upon all legislation affecting railroads.

H. A. Clark, 2750 Taylor St., N. E., Minneapolis, Minn., representing **M. St. P. & S. Ste. M. Ry.**, upon legislation affecting train employees.

W. J. Devine, No. 42 Ave. & Knight St., Chicago, Ill., representing **C. & N. W. Ry.**, Chicago, upon legislation affecting train employees.

Quincy J. Jones, 608 W. Dayton St., Madison, Wis., representing himself upon No. **136, A.**

Alfred Kundert, 115 W. Mifflin St., Madison, Wis., representing himself upon No. **299, A.**

C. A. Keim, 115 W. Mifflin St., Madison, Wis., representing himself upon No. **299, A.**

A. N. LaComb, Green Bay, Wis., representing **C. & N. W. Ry.**, Chicago, Ill., upon No. **4, S.**, and all legislation affecting railroads.

E. W. Morrison, 100 32d St., Milwaukee, representing **C. & St. P. Ry.**, Milwaukee, upon legislation affecting train employees.

J. A. MacDonald, 3120 Sycamore Ave., Milwaukee, representing **C. & St. P. Ry.**, upon legislation affecting train employees.

G. B. Vilas, 1022 Maple Ave., Evanston, Ill., representing **C.**

& N. W. Ry., upon all matters pertaining to railway legislation.
H. D. Van Dyke, V. P., N. W. M. Life Ins. Co., 118 Prospect Ave., Mil., representing himself upon No. **217, S.**

F. L. Van Voorhis, 533 N. Chatham St., Janesville, Wis., representing Wisconsin Christian Missionary Association, upon control of property of defunct churches.

COMMITTEE REPORT.

The committee on Judiciary report and recommend:

No. **32, S.,**

Adoption of amendment No. 1, S., and passage.

No. **56, S.,**

Adoption of substitute amendment No. 1, S., and passage.

No. **87, S.,**

Adoption of amendment No. 1, S., and passage.

No. **111, S.,**

Adoption of amendment No. 1, S., and passage.

No. **136, S.,**

Adoption of amendment No. 1, S., and passage.

No. **23, S.,**

No. **77, S.,**

No. **79, S.,**

No. **113, S.,**

No. **140, S.,** and

No. **150, S.,**

Indefinite postponement.

E. F. KILEEN,
Chairman.

CLERK'S REPORT.

The chief clerk reports, Jt. Res. No. 13, S., correctly enrolled.

BILLS READY FOR ENGROSSMENT.

No. **59, S.**

Senator Linley offered amendment No. 2, S.

Senator Randolph moved that No. **59, S.,** and pending amendment, be re-referred to the committee on Judiciary.

A division was called for and the senate refused to re-refer the bill.

Amendment No. 2, S.

A division was called for and the amendment was adopted.

No. **59, S.,**

Was indefinitely postponed.

BILLS READY FOR THIRD READING.

No. **36, S.**

Was read a third time, and passed.

No. **71, S.**

Upon request of Senator Bosshard,

And with unanimous consent,

No. **71, S..**

Was laid over until tomorrow.

No. **110, S.,**

A bill to amend subsection 1 of section 1421—9, subsection 2 of section 1421—11, and subsection 4 of section 1421—14 of the statutes, relating to county institutions for the care of persons suffering from tuberculosis in the advanced or secondary stages, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 17; noes, 12; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Culbertson, Huber, Kileen, Linley, Martin H. C., Randolph, Richards, Scott, Skogmo, Tomkins, True, Weissleder, White, and Zophy—17.

Noes—Senators Albers, Biehler, Burke, Cunningham, Kellogg, Martin A. E., Monk, Perry, Snover, Stevens, Teasdale, and Weigle—12.

Absent or not voting—Senators Browne, Glenn, Hoyt, and Husting—4.

And so the bill was passed.

ADJOURNMENT.

Upon motion of Senator Snover,

The senate adjourned.

17—S. J.

THURSDAY, FEBRUARY 27, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. C. F. Reichert.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Browne, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—28.

Absent—Senators Bosshard, Hoyt, Randolph, and Richards—4.

Absent with leave—Senator Husting—1.

LEAVE OF ABSENCE.

Upon request of Senator Skogmo,

Leave of absence was granted to Senators Randolph and Bosshard until Wednesday, March 5, 1913.

Upon request of Senator Weigle,

Leave of absence was granted to Senator Richards for this session.

The journal of yesterday was approved.

BILLS FOR REVISION.

The committee on State Affairs offered one bill for revision.

RESOLUTION INTRODUCED.

Res. No. 18, S.,

Resolved by the senate, That the superintendent of public property be and is hereby instructed to furnish pure spring water in the water coolers which are for the use of the senate and committee rooms, and, be it further

Resolved, That the superintendent of public property be instructed to proceed immediately to do so.

By Senator Ackley.

Adopted.

Read first and second time and referred.

Jt. Res. No. 30, S. By Senator Kileen. To committee on Judiciary.

Jt. Res. No. 29, S. By Senator Bosshard.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 27; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Browne, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—27.

Noes—None.

Absent or not voting—Senators Bosshard, Hoyt, Husting, Randolph, Richards, and Snover,—6.

And so the resolution was adopted.

BILLS INTRODUCED.

Read first and second times and referred.

No. **359, S.** (Revision No. 307). By Senator Burke. To committee on Finance.

No. **360, S.** (Revision No. 337). By Senator Burke. To committee on Education and Public Welfare.

No. **361, S.** (Revision No. 341). By Senator Bosshard (by request). To committee on State Affairs.

No. **362, S.** (Revision No. 362). By Senator Weigle. To committee on Finance.

No. **363, S.** (Revision No. 369). By Senator Bosshard (by request). To committee on State Affairs.

No. **364, S.** (Revision No. 372). By Senator Scott. To committee on Education and Public Welfare.

No. **365, S.** (Revision No. 379). By Senator H. C. Martin (by request). To committee on Education and Public Welfare.

- No. **366, S.** (Revision No. 380). By Senator Monk (by request).
To committee on Judiciary.
- No. **367, S.** (Revision No. 381). By Senator Monk (by request).
To committee on State Affairs.
- No. **368, S.,** (Revision No. 382). By Senator Monk (by request).
To committee on Corporations.
- No. **369, S.** (Revision No. 385). By Senator Bishop. To committee on Finance.
- No. **370, S.** (Revision No. 388). By Senator Burke. To committee on State Affairs.
-

PETITIONS.

- Pet. No. 43, S. By Senator Glenn. To committee on Education and Public Welfare.
- Pet. No. 44, S. By Senator A. E. Martin. To committee on Education and Public Welfare.
- Pet. No. 45, S. By Senator White. To committee on Education and Public Welfare.
- Pet. No. 46, S. By Senator Culbertson. To committee on Education and Public Welfare.
- Pet. No. 47, S. By Senator Ackley. To committee on Education and Public Welfare.
- Pet. No. 48, S. By Senator White. To committee on Education and Public Welfare.
- Pet. No. 49, S. By Senator Randolph. To committee on Education and Public Welfare.
- Pet. No. 50, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 51, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 52, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 53, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 54, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 55, S. By Senator Tomkins. To committee on State Affairs.

COMMUNICATION TO THE SENATE.

FEBRUARY 27, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Chauncey E. Blake, representing St. Croix Falls-Wisconsin Improvement Co., St. Croix Falls, Wis., upon Public Utilities.

H. R. Goldman, 1839 Riverside Ave., Marinette, Wis., representing himself upon all subjects relating to Towns.

Andrew Lees, Lawyer, LaCrosse, Wis., representing C. B. & Q. R. Co., Chicago, Ill., upon Railroad Legislation.

John O. Miller, Marinette, Wis., representing City of Marinette, upon all matters pertaining to Cities and Towns.

John B. Sanborn, representing St. Croix-Wisconsin Improvement Co., St. Croix Falls, Wis., upon Public Utilities.

S. Fred Wetzler, Lawyer, 500-501 Free Press Bldg., Milwaukee, Wis., representing Milwaukee Association of Credit Men,

343 Broadway, Milwaukee, upon No. **270, A.**, and No. **383, A.**

Robert E. Ashworth, 684 Marshall St., Milwaukee, Wis., representing Milwaukee Federation of Churches, upon No. **206, A.**

Wm. C. Beers, 7 Marston Bldg., Madison, Wis., representing Wisconsin Anti-Saloon League, upon Excise Measures, especially

Bills for Dry Zone and County Option.

J. M. Carney, Wells Bldg., Milwaukee, representing himself upon No. **75, A.**

H. Guillaume, Oshkosh, Wis., representing State Retail Liquor Dealers' Protective Assn., upon Excise Co., on Lunch in Saloons.

Carl J. Haas, Hobart St., Eau Claire, Wis., representing Eau Claire Book & Stationery Co., Eau Claire, Wis., upon No. **75, S.**

J. S. Lean, 31 Hathaway Bldg., Milwaukee, Wis., representing Wisconsin Anti-Saloon League, upon Excise Matters.

Milan H. Stocking, 623 University Ave., Madison, Wis., representing himself upon No. **136, A.**

COMMITTEE. REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **13, S.**, and

No. **76, S.**,

Passage.

No. **75, S.**,

Adoption of amendment No. 1, S., and passage.

No. **98, S.**,

Indefinite postponement, Senators Teasdale and Ackley dissenting.

No. **66, S.**,

No. **92, S.**,

No. **114, S.**, and

No. **160, S.**,

Indefinite postponement.

HOWARD TEASDALE,
Chairman.

Upon request of Senator Cunningham,

All rules interfering were suspended by unanimous consent, and No. **160, S.**,

Was considered at this time.

No. **160, S.**

Senator Cunningham offered amendment No. 1, S.,

Which amendment was adopted.

Upon motion of Senator Ackley,

No. **160, S.**,

Was re-referred to the committee on Education and Public Welfare.

The joint committee on Finance report and recommend:

No. **70, S.**,

Passage, Senator Bichler and Messrs. Peavey and Roessler dissenting.

G. E. SCOTT,
Chairman Senate Committee.
R. J. NYE,
Chairman Assembly Committee.

The committee on Corporations report and recommend:

No. **4, S.**,

No. **5, S.**,

No. **49, S.**, and

No. **224, S.**,

Indefinite postponement.

No. **46, S.**,

Indefinite postponement, Senator Bosshard dissenting.

No. **130, S.**,

Indefinite postponement, Senator A. E. Martin dissenting.

No. **217, S.**,

Passage,

No. **183, S.**,

Adoption of substitute amendment No. 1, S., and passage.

OTTO BOSSHARD,

Chairman.

The committee on State Affairs report and recommend:

No. **37, S.**,

No. **64, S.**,

No. **95, S.**,

No. **107, S.**, and

No. **124, S.**,

Passage.

No. **96, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **106, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **115, S.**,

Adoption of amendment No. 1, S., and passage.

No. **117, S.**

Adoption of amendment No. 1, S., and passage.

No. **67, A.**,

Concurrence.

M. F. WHITE,

Chairman.

CLERK'S REPORT.

The chief clerk reports No. **153, S.**, correctly engrossed, and
Jt. Res. No. 3, S., correctly enrolled.

BILLS READY FOR ENGROSSMENT.

No. **17, S.**,

Ordered engrossed and read a third time.

No. **19, S.**,

No. **33, S.** and

No. **48, S.**,

Upon motion of Senator Teasdale,

Laid over until March 6, 1913.

No. **90, S.**

Senator Burke moved that No. **90, S.**, be re-referred to the committee on Finance.

Which motion was lost.

No. **90, S.**,

Was indefinitely postponed.

BILLS TO BE ORDERED TO A THIRD READING.

No. **72, A.** andNo. **587, A.**,

Were each severally ordered to a third reading.

BILLS READY FOR THIRD READING.

No. **24, S.**,

Was read a third time and passed.

No. **71, S.**,

Upon motion of Senator Linley,

Laid over until Wednesday, March 5, 1913,

RECESS.

Upon motion of Senator Teasdale,

The senate took a recess until 5:00 o'clock p. m.

5:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

BILLS FOR REVISION.

The committee on Judiciary offered five bills for revision.

RESOLUTIONS INTRODUCED.

Res. No. 19, S.,

Resolved by the senate, That rules 6, 18, 19, 20, 34, 37, 40, 41, 42, 49, 54, 79, and 83 be amended to read:

6. Election and Duties of Chief Clerk. A chief clerk of the senate shall be elected at the commencement of each session, to hold his office at the pleasure of the body electing him. He shall superintend the recording of the journal of the proceedings; the engrossing and enrolling of bills, resolutions, etc.; shall cause to be kept and prepared for the printer the daily journal of the proceedings. He shall permit no records or pap-

ers belonging to the legislature to be taken out of his custody otherwise than in the regular course of business; shall report any **missing** papers to the notice of the presiding officer, and generally shall perform, under the direction of the presiding officer, all duties pertaining to his office as clerk, and shall be responsible for all the official acts of his assistants. *The general clerk shall be assistant chief clerk and shall have general supervision under the direction of the chief clerk and in his absence shall have all of the powers and duties of the chief clerk.*

18. Order of Business. The order of business in the senate shall be as follows:

1. **Call** of the roll.
2. **Correction** of the journal.
3. **Motions** may be offered.
4. ~~Reception of resolutions for revision.~~
5. ~~Reception of bills for revision.~~
6. **1.** Introduction and reference of resolutions.
7. **5.** Introduction and reference of bills.
8. **6.** Petitions and communications.
9. **7.** Reports of standing committees.
10. **8.** Reports of special committees.
11. **9.** Executive communications.
12. **10.** Messages from ~~either house and acting thereon the~~ assembly.
13. **11.** Motions for consideration.
14. **12.** Resolutions may be considered.
15. **13.** Bills and resolutions ready for engrossment.
16. **14.** Bills and resolutions to be ordered to third reading.
17. **15.** Bills and resolutions ready for third reading.
18. **16.** Special order.
19. **Daily Calendar; Committee of the Whole.** All bills, resolutions, memorials, or other business, referred to a committee and reported by it to the senate, shall be placed upon the calendar under the proper order of business. The printed calendar shall be furnished to members at least twenty-four hours, exclusive of Sunday, before such calendar is acted upon. The calendar shall not be changed within that period. Unless otherwise ordered, an unfinished calendar of a preceding day shall be first in order as the unfinished business of the senate.

During the consideration of bills under the order of bills *and resolutions* ready for engrossment or third reading, one-sixth of the members present may move that any bill or bills in said order of business shall be considered in Committee of the Whole, and at the close of said order of business, unless otherwise ordered, the senate shall resolve itself into a Committee of the Whole for the consideration of the bill or bills ordered to be so considered. The rules of the senate shall govern, as far as practicable, the proceedings in Committee of the Whole, except that a member may speak more than twice on the same subject, and that a call for the yeas and nays or for the previous question cannot be made in the committee.

20. Standing Committees of Senate. The following standing committees shall be elected by the senate as near the commencement of the session as may be, namely:

On Judiciary, seven members.

On Corporations, seven members.

On Education and Public Welfare, seven members.

On State Affairs, seven members.

Each of the above committees shall elect its own chairman.

The president pro tem., *who shall be chairman*, and the respective chairmen of the committees on Judiciary, on Corporations on Education and Public Welfare, on State Affairs, and the joint committee on Finance, and the chairmen of such special committees of the senate as shall be created during any session, shall constitute a committee on Legislative Procedure.

The senate shall elect, as soon as may be after the commencement of the session, five members to the joint committee on Finance, which members shall elect the chairman of said joint committee.

34. Bills First Offered for Revision. Before introduction bills and resolutions not privileged by rule 75 shall be offered for revision *by filing at the clerk's desk at any time*. Every bill offered shall be recorded by the clerk by a temporary number, which shall be known as a revision number, and be delivered by the clerk to the revision clerk, who shall return the same, if in proper form, marked O. K. with a conspicuous rubber stamp and signature of the revision clerk, within forty-eight hours, Sundays and days of adjournment excepted. When such bill is thus returned to the clerk, it shall be read the first ~~and~~

~~second times~~ time and referred, unless otherwise ordered by the senate. Any recommendations of the revision clerk upon any bills delivered to him by the chief clerk under this rule shall be transmitted to the chief clerk within the same period of time, in a written report, and the clerk shall immediately deliver such bill and report to the member who submitted the bill. The member may, in his discretion accept or refuse such recommendations, and may then offer the bill for first and second readings. Any bill not having been referred for revision which shall be ordered to a third reading shall then be so referred.

37. New Bills After Fifth Week. If a member or committee desires to introduce a bill after the close of the fifth week of the session, such bill shall, before its introduction, be referred after receiving the O. K. of the revision clerk, be delivered to the committee on Legislative Procedure of the senate, which shall, within forty-eight hours, report thereon, recommending that the bill be received and read the first and second times or rejected. Such report shall stand as the action of the senate unless the senate on motion shall order otherwise.

40. Three Several Readings; First Reading. Every bill and resolution not privileged by rule 75 shall receive three several reading by title except where otherwise provided previous to its passage, but no bill shall receive a second and third reading not receive two readings on the same day. The first reading of the bill shall be for information, and if objections be made to it, the question shall be "shall the bill be rejected;" if no objection be made, or the question to reject be lost, the bill shall go to its second reading without further question.

41. Second First Reading; Reference to Committee. On the second first reading, every bill or memorial requiring three readings shall be referred to the appropriate committee, which shall be announced by the presiding officer, unless the senate, on motion, make a different order in relation thereto; and this rule shall apply as well to bills, resolutions, and memorials originating in either house.

42. Second Reading; Ordering to a Third Reading; Engrossing Bills. The second reading shall be had before the bill or resolution is amended or ordered read a third time. Each bill or resolution ordered engrossed and read a third time shall be, under the direction of the engrossing clerk, carefully type

written, with all amendments adopted to the original bill reduced into the text, placed in a new envelope, upon which the endorsements on the original envelope shall be carefully engrossed, and, with the original, shall be delivered to the chief clerk, who shall ~~report it correctly engrossed to the senate~~ *record it correctly engrossed in the journal and place it upon the next calendar "ready for third reading."* The original shall ~~then~~ be filed by the chief clerk and the engrossed ~~bill copy~~ shall thereafter be ~~considered as~~ the original. If it shall be subsequently found, however, that mistake has been made in engrossing ~~the bill~~, the chief clerk shall have ~~the~~ power under rule 32 to correct such error in engrossing. A bill or resolution which shall be "ordered engrossed and read a third time" without any amendment thereto having been adopted shall not be engrossed, but shall be placed upon the next calendar ~~under the order "Bills Ready for Third Reading,"~~ "ready for third reading;" and when a bill or resolution which shall have been amended only by a substitute adopted without amendment shall be "ordered engrossed and read a third time" the original substitute in an engrossed envelope shall be the engrossed bill or resolution.

49. Enrolling Bills. After a senate bill has passed both houses, it shall be duly enrolled under the direction of the chief clerk of the senate before it shall be presented to the governor for his approval. When a bill is duly enrolled, it shall be carefully compared by the enrolling clerk, after which it shall be delivered by him to the chief clerk, who shall ~~report~~ *record* it correctly enrolled ~~to the senate~~ *in the journal*.

54. Reading of Amendments. Amendments shall be read by the clerk and stated by the presiding officer to the senate before being acted upon. *Amendments that are printed and on the files shall be read once, whereas amendments that are not on the files shall be read twice.*

62. Order of Action. If any amendment be offered ~~by any member on the floor or be reported by the majority or minority of the committee to which the bill was referred~~, the question shall be *first* upon the amendment, ~~or amendment to amendment, if any be offered from the floor; and if adopted, the question of its engrossment and third reading shall then be put.~~ *If rejection is recommended by a committee, the adoption of an amendment shall not change the question.*

79. Every member to Vote. Every member present when a question is put, or when his name is called, shall vote, unless the senate shall, for a special cause, excuse him, but it shall not be in order for a member to be excused after the senate has commenced voting. *In case the vote is by yeas and nays, or by division, a member entering the chamber after the question is put and before it is decided, may have the question stated, record his vote, and be counted.*

83. Putting of Motion; Ending Debate. The previous question being moved, the presiding officer shall say, "it requiring five senators to second the motion for the previous question, those in favor of sustaining the motion will rise." And if a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by the yeas and nays. The main question being ordered to be now put, its effect shall be to put an end to all debate, and bring the senate to a direct vote upon the pending amendments, if there be any be pending or offered, and then upon the main question.

By Senator Browne.

Upon motion of Senator Brown;

Laid over until Wednesday, March 5, 1913.

BILLS INTRODUCED.

Read first and second times and referred.

No. **371, S.** (Revision No. 331). By Senator Bishop. To committee on Finance.

No. **372, S.** (Revision No. 378). By Senator Stevens. To committee on Judiciary.

PETITIONS.

Pet. No. 56, S. By Senator Kellogg. To committee on State Affairs.

COMMITTEE REPORT.

To committee on Education and Public Welfare report and recommend:

No. **160, S..**

Indefinite postponement, Senators Ackley and Perry dissenting.

HOWARD TEASDALE,

Chairman.

Upon request of Senator Skogmo,
And by unanimous consent,
No. **160, S.**,
Was considered at this time.
No. **160, S.**
Upon motion of Senator Skogmo.
Was laid over until Wednesday, March 5, 1913.

LEAVE OF ABSENCE.

Upon request,
Leave of absence was granted to Senator Cunningham until
Monday, March 3, 1913.

ADJOURNMENT.

Upon motion of Senator Tomkins,
The senate adjourned.

FRIDAY, FEBRUARY 28, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. C. F. Reichert.

Upon motion of Senator Teasdale,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

RESOLUTIONS INTRODUCED.

Res. No. 20, S.,

WHEREAS, By section 460—9, subdivision 5, of the statutes, each county, district, and city superintendent, between the 30th day of June and the 10th day of July, is required to report, under oath, to the board of trustees of the teachers' insurance and retirement fund board, and to furnish such board with an itemized statement of moneys withheld from teachers, etc., as required by said section, and

WHEREAS, By section 460—6 of the statutes, the teachers' insurance and retirement fund board is directed to make an annual report as of the year ending the first day of September, a copy of said report to be transmitted to the annual meeting of the members of the teachers' insurance and retirement fund board and to the state superintendent of public instruction, said state superintendent to include a copy of such report in his biennial report to the governor, and

WHEREAS, The said report due September 1st, 1912, has not been filed with the state superintendent, to this date, and a copy of the same has not been included in his biennial report to the governor, now in the hands of the printer for publication, and

WHEREAS, Verbal request was made on the state superintendent's department about January 15th, for permission to examine said report, and after waiting until January 30th for the same to be filed, written demand was made on the state superintendent as state superintendent and a member of such board, that the same

be filed as provided by law, and on that date the state superintendent made written request on such board to file such report, and also verbally requested the president of the board to cause the same to be filed, and

WHEREAS, On further request for such report, on or about February 20th, the state superintendent again, by telephone, made formal request of the secretary of such board, that such report be filed in his office, and

WHEREAS, None of such requests have been complied with, and the said report has not been filed, to this date, and

WHEREAS, For the proper and intelligent consideration of measures now before the senate it is necessary that said report of said board be forthwith filed for examination; now, therefore,

Be it resolved by the senate, That the trustees of the teachers' insurance and retirement fund be and they are hereby directed within ten days to file such annual report in the office of the state superintendent of public instruction, and to file a copy of the same with the senate for its use in relation to legislation pending before the senate, which report shall show:

The amount withheld from the school fund income, under section 460--10 of the statutes.

The number and age of teachers employed in the public schools of Wisconsin, eligible September 1st, 1912, to elect to come under the provisions of section 460--8, subdivision 4, of the statutes.

The number and age of persons becoming teachers in the public schools of Wisconsin after September 1st, 1911, as provided by section 460,—8, subdivision 3, of the statutes.

The number and age of teachers that have elected to come under the provisions of section 460--8, subdivision 4, the amount contributed by them, and their average term of service prior to such election.

The number and age of all teachers who have been required to contribute to such fund under section 460--8., subdivision 3, and the amount contributed by them.

The total amount paid into such fund by all teachers.

The name of each person to whom a pension has been granted, with date and amount, together with his or her term of service, and address, together with total amount paid for pensions prior to this date.

(All of the above to be arranged and classified by counties, and in smaller subdivisions if the board so elect.)

A classified statement of the amount paid in salaries and expenses by such board to date of such report, and all such other matters as in the judgment of the board shall fully advise the senate of the workings, benefits, and financial soundness of the law, to pay the full amount provided to be paid teachers becoming members.

In case full returns have not been made as to any item from any county or subdivision, that fact to be specifically mentioned and

the particular county or subdivision or fact to be so stated, and the report to be made without such returns.

Be it further resolved, That the sergeant-at-arms of the senate be instructed to forthwith deliver to the secretary of the teachers' insurance and retirement fund board, a copy of this resolution.

By Senator Teasdale.

Upon motion of Senator Browne,

Laid over until Thursday, March 6, 1913.

Jt. Res. No. 31, S.,

Relating to the death of Mrs. John Morris.

WHEREAS, The legislature has learned with profound sorrow of the death of Mrs. John Morris, mother of the Honorable Thomas Morris, lieutenant governor; be it

Resolved, That the heartfelt sympathy of the legislature be extended to the said Honorable Thomas Morris in his sad bereavement; be it further

Resolved by the senate, the assembly concurring, That the foregoing resolution be spread upon the journal of each house and a copy thereof properly signed by the presiding officers and chief clerks of the two houses be forwarded to the said Honorable Thomas Morris, lieutenant governor.

By Senator Browne.

Adopted by a unanimous rising vote.

PETITIONS.

- Pet. No. 57, S. By Senator Biehler. To committee on Education and Public Welfare.
- Pet. No. 58, S. By Senator Biehler. To special committee on Insurance.
- Pet. No. 59, S. By Senator Biehler. To committee on Education and Public Welfare.
- Pet. No. 60, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 61, S. By Senator Huber. To committee on Education and Public Welfare.
- Pet. No. 62, S. By Senator Ackley. To committee on Education and Public Welfare.
- Pet. No. 63, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 64, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 65, S. By Senator Teasdale. To committee on Education and Public Welfare.

- Pet. No. 66, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 67, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 68, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 69, S. By Senator Teasdale. To committee on Education and Public Welfare.
- — — — —

COMMUNICATION TO THE SENATE.

FEBRUARY 28, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of joint resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Bernard Breitung, Milwaukee, Wis., representing Waldheim & Co., Milwaukee, Wis., upon No. **429, A.**

Abe Cohen, President, 519 North Ave., Milw., representing Hebrew Protective League, Milwaukee, Wis., upon bills affecting hawkers and peddlers.

J. B. Davison, 160 Harmon St., Milwaukee, Secretary Sunday Rest Day Assn., representing Wisconsin Sunday Rest Day Assn., for Sunday rest, or one day in seven.

Irving Frautschi, 204 King St., Madison, representing C. Frautschi & Sons, Madison, Wis., upon No. **429, A.**

A. L. Gold, Milwaukee, Wis., representing Hartman Furn. & Carpet Co., Milwaukee, Wis., upon No. **429, A.**

Louis Hirsig, Madison, Wis., representing Wolff, Kubly & Hirsig, Madison, Wis., upon No. **429, A.**

Phillip C Hinners, Milwaukee, Wis., representing F. W. Schneck Furn. Co., Milwaukee, Wis., upon No. **429, A.**

Ada L. James, Richland Center, Wis., representing herself upon Woman Suffrage.

D. G. James, Richland Center, Wis., representing himself upon General Legislation and Suffrage.

A. T. Kunzelmann, 460 Mitchell St., Milwaukee, representing Kunzelmann, Esser Co., Milwaukee, Wis., upon No. **429, A.**

R. C. Murdock, Beloit, Wis., representing Murdock-Dunwiddie Co., Beloit, upon No. **429, A.**

A. C. Marschalek, 523 Park Pl., Milwaukee, representing Wis-

consin Retail Furn. Dealers' Assn., as Secretary and Treas., upon No. **429, A.**

Michael Prokof, 738 3d Ave., Milwaukee, representing Prokof & Szaikowski, 469 Mitchell St., Milwaukee, upon No. **429, A.**

John A. Wedda, 810 8th Ave., Milwaukee, representing himself upon Education and Liquor.

John B. Bird, La Crosse, Wis., representing Wisconsin Fish and Game Protection and Propagation League, upon fish and game laws.

Henry W. Dunlop, Milwaukee, Wis., representing himself and also for Sidney B. Knox, Milwaukee, upon No. **161, S.**, and No. **184, S.**, tax sales.

R. B. Graves, attorney, Sparta, Wis., representing Wisconsin Fish and Game Protection and Propagation League, upon fish and game laws.

W. J. Kershaw, attorney, Cawker Bldg., Milwaukee, Wis., representing Peddlers' Union No. 1, Milwaukee, Wis., Louis Weldman, 805—8th St., Milwaukee, upon bills affecting hawkers and peddlers.

L. C. Manson, lawyer, Milwaukee, Wis., representing H. B. Daggett, and himself, upon paving laws and all matters.

J. Burritt Smith, attorney, 201 E. Main St., Madison, Wis., representing Prohibition State Committee, as state chairman, upon excise matters.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **172, S.**,

Indefinite postponement.

No. **176, S.**,

No. **177, S.**,

No. **178, S.**,

No. **179, S.**, and

No. **68, S.**,

Passage.

No. **306, S.**,

Adoption of amendment No. 1, S., and passage.

E. F. KILEEN,

Chairman.

by A. Pearce Tomkins,

Acting Chairman.

The committee on Corporations report and recommend:

No. **38, S.**, and

No. **174, S.**,

Passage.

No. **149, S.**,

Recalled and rereference to committee on Judiciary.

GEORGE B. SKOGMO,

Acting Chairman.

The joint committee on Finance report and recommend:

No. **7, S.**,

Substitute amendment No. 1, S., and passage.

No. **35, S.**,

Indefinite postponement.

No. **161, S.**,

Re-reference to committee on Judiciary.

No. **166, S.**,

Passage.

JOHN M. TRUE,

Acting Chairman, Senate Committee.

R. J. NYE,

Chairman, Assembly Committee.

No. **161, S.**,

Was re-referred to the committee on Judiciary.

The committee on Legislative Procedure reports and recommends for introduction, bill bearing revision No. 402.

H. C. MARTIN,

Chairman.

The bill was read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first and second times and referred.

No. **373, S.** (Revision No. 402). By Senator Browne. To special committee on Highways.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 35, A.

Has passed, and asks concurrence in,

No. **20, A.**,

No. **31, A.**,

No. **153, A.**,

No. **161, A.**,

No. **179, A.**,

No. **201, A.**, and

No. **216, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

Jt. Res. 35, A.,

Was concurred in.

No. **20, A.** To calendar.

No. **31, A.** To calendar.

No. **153, A.** To committee on Education and Public Welfare.

No. **161, A.** To committee on State Affairs.

No. **179, A.** To committee on State Affairs.

No. **201, A.** To committee on Corporations.

No. **216, A.** To committee on Education and Public Welfare.

BILLS READY FOR ENGROSSMENT.

No. **32, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **56, S.**

Substitute amendment No. 1, S.

Upon motion of Senator Culbertson,

Was laid over until Tuesday, March 4, 1913.

No. **87, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **111, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **136, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **23, S.,**

No. **77, S.,**

No. **79, S.,**

No. **113, S.,**

No. **140, S.,** and

No. **150, S.,**

Were severally indefinitely postponed.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Teasdale until Thursday, March 6, 1913.

ADJOURNMENT.

Upon motion of Senator Ackley,

The senate adjourned until Monday, March 3, at 9:00 o'clock p. m.

MONDAY, MARCH 3, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair:

Prayer was offered by the Rev. O. G. Siljan of the Bethel Lutheran Church of Madison.

The roll was called and the following senators answered to their names:

Senators Ackley, Bishop, Browne, Culbertson, Glenn, Huber, Husting, Kellogg, Martin H. C., Monk, Perry, Randolph, Skogmo, Stevens, Tomkins, True, and Zophy—17.

Absent—Senators Albers, Bichler, Bosshard, Burke, Cunningham, Hoyt, Kileen, Linley, Martin A. E., Richards, Scott, Snover, Weigle, Weissleder, and White—15.

Absent with leave—Senator Teasdale—1.

LEAVE OF ABSENCE.

Upon request of Senator Bishop,

Leave of absence was granted to Senator Scott for this session.

Upon request of Senator Tomkins,

Leave of absence was granted to Senator Linley for this session.

Upon request of Senator Randolph,

Leave of absence was granted to all absentees for this session.

The journal of Friday, February 28, 1913, was approved.

MOTIONS.

Upon motion of Senator Browne, and with unanimous consent, No. 148, S., was recalled from the committee on Finance and withdrawn.

BILLS FOR REVISION.

Senator Browne offered one bill for revision.

PETITIONS.

Petition No. 70, S. By Senator Glenn. To committee on Education and Public Welfare.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend the introduction of bills bearing revision numbers 401, and 403 to 408, inclusive.

II. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first and second times and referred.

No. **374, S.** (Revision No. 401). By Committee on Judiciary.
To committee on Judiciary.

No. **375, S.** (Revision No. 403). By Committee on Judiciary.
To committee on Judiciary.

No. **376, S.** (Revision No. 404). By Committee on Judiciary.
To committee on Judiciary.

No. **377, S.** (Revision No. 405). By Committee on Judiciary.
To committee on Judiciary.

No. **378, S.** (Revision No. 406). By Committee on Judiciary.
To committee on Judiciary.

No. **379, S.** (Revision No. 407). By Committee on Judiciary.
To committee on Judiciary.

No. **380, S.** (Revision No. 408). By Committee on State Affairs.
To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in
No. **1, S.**, and
Jt. Res. No. 31, S.

And has passed, and asks concurrence in,
No. **23, A.**,
No. **32, A.**, and
No. **126, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

No. **23, A.** To committee on Judiciary.

No. **32, A.** To committee on Judiciary.

No. **126, A.** To committee on Education and Public Welfare.

BILLS READY FOR ENGROSSMENT.

No. **13, S.**,
No. **37, S.**,
No. **64, S.**,
No. **70, S.**,
No. **76, S.**,
No. **95, S.**,
No. **107, S.**,
No. **124, S.**, and
No. **217, S.**,

Were each severally ordered engrossed and read a third time.

No. **75, S.**

Amendment No. 1, S.

Senator Tomkins offered amendment No. 1, S., to amendment
No. 1, S.,

Upon motion of Senator Tomkins,

No. **75, S.**, and pending amendments,

Was rereferred to committee on Education and Public Welfare.

No. **96, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **106, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. 115, S.

Amendment No. 1, S.

Upon motion of Senator Tomkins,

Laid over until Wednesday, March 5, 1913.

No. 117, S.

Amendment No. 1, S., adopted.

- Ordered engrossed and read a third time.

No. 183, S.

Substitute amendment No. 1, S.

Senator Tomkins offered amendment No. 1, S., to substitute amendment No. 1, S.

Upon motion of Senator Skogmo,

No. 183, S., and pending amendments,

Was rereferred to committee on Corporations.

No. 4, S.,**No. 5, S.**,**No. 46, S.**,**No. 49, S.**,**No. 66, S.**,**No. 92, S.**, and**No. 130, S.**,

Upon motion of Senator Zophy,

Were laid over until Wednesday, March 5, 1913.

No. 98, S.,

Upon motion of Senator Ackley,

Laid over until Wednesday, March 5, 1913.

No. 114, S., and**No. 224, S.**,

Upon motion of Senator Tomkins,

Were laid over until Wednesday, March 5, 1913.

Senator Zophy offered a substitute amendment to **No. 122, S.**

The president held that the bill being in the possession of the committee on Judiciary, and not before the senate, the substitute amendment was out of order at this time.

BILLS TO BE ORDERED TO A THIRD READING.**No. 67, A.**

Upon motion of Senator Husting,

Laid over until Wednesday, March 5, 1913.

BILLS READY FOR A THIRD READING.**No. 17, S.**, and**No. 153, S.**,

Were each severally read a third time, and passed.

No. 72, A.,

Was read a third time, and concurred in.

No. 587, A.

Upon motion of Senator Randolph,

Laid over until Wednesday, March 5, 1913.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

CLERK'S REPORT.

The chief clerk reports

No. 32, S.,

No. 87, S.,

No. 111, S., and

No. 136, S.,

Correctly engrossed, and

No. 9, S., and

Jt Res., No. 31, S.,

Correctly enrolled.

CHIEF CLERK'S CORRECTION.

Under Rule 32, the chief clerk made the following clerical corrections to bill **No. 9, S.:**

Amend section 1 by inserting after the figures "20.84" in line 1, the words "of the statutes".

Further amend section 1 by striking out the word "and" where it occurs in line 5 between the words "judge" and "clerk".

Further amend section 1 by striking out the word "dairyman's" where it occurs in line 7, and inserting in lieu thereof the word "dairymen's".

TUESDAY, MARCH 4, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. O. G. Siljan.

Senator Browne addressed the senate as follows: I arise at this time to a point of personal privilege. I am obliged, at this time, Mr. President, to sever my connections with the senate. This is the fourth session that I have participated in as a member of this body, and I desire to say that my relations with the different members of the senate and with the legislature and with the other co-ordinate branches of the government have been most friendly, and I have many regrets at this time in taking my leave from this honorable body.

The Wisconsin legislature has been watched, and is being watched, by all the legislatures of the United States. We are the pioneers in progressive legislation. The legislation that has been passed by the legislature of Wisconsin has been sane and it has been progressive, and has been sustained by our highest courts, and a great many ideas of Wisconsin are being adopted by other states. The Wisconsin idea is being adopted in a good many ways by our national government. This is an epoch making period in the state of Wisconsin, and a most interesting and instructive period to be a member of the Wisconsin legislature.

I appreciate the acquaintances and friendships I have formed in this body and it is with deep regret that I say farewell and goodbye to the members of this senate and legislature.

During the time I have been in the senate hardly a question has arisen where there has been any division of parties, any strict party lines drawn. Democrats and republicans have all gone in together regardless of party to obtain the best legislation possible for the people. We have had differences of opinion on some questions but these differences have been differences of personal conviction and not a matter of party principle, and it would be difficult for me to look over the votes on different legislative measures in this legislature since I have been a member of it and

pick out where democrats and republicans have divided on party measures or any partisanship shown.

Where members have differed it has simply been a matter of personal difference and honest conviction. I do not think there is any state in the Union where party lines have been ignored as much as they have been in the Wisconsin legislature.

The legislature at this time has many important questions before it, large questions, questions of great importance to the people of the state, and I regret exceedingly that I cannot be here to help in a small degree to solve these very important questions, and I will watch the action of the Wisconsin legislature in this session and other sessions with great interest. I know that it has been a great education to me to be a member of this honorable body, and at this time I sever my connections with the senate of Wisconsin with many regrets and ask the privilege of presenting my resignation in writing, and ask that my name shall not be called when the roll of names of members of the senate is called at this time.

To the Honorable President of the Senate of the State of Wisconsin.

Sir: I hereby tender my resignation as state senator of the twenty-first senatorial district of Wisconsin, to take effect at once.

My reason for resigning is that I was elected a member of the House of Representatives on November 5, 1912, and that my term as congressman begins March 4, 1913, which election and acceptance under section 13 of article IV of the constitution of Wisconsin vacates my seat as state senator.

Yours respectfully,

EDWARD E. BROWNE.

Dated Madison, Wis., the 3rd day of March, 1913.

The president spoke as follows: Senators, I suppose that nothing need be done with this resignation except to receive it regretfully and transmit it to the governor, that such action may be taken as the law provides for in cases of this kind.

Senator Randolph spoke as follows: I have been associated with the senator from the twenty-first in this body ever since he came here and I exceedingly regret that at this time his services here are to be terminated. I realize the position that the senator is in, having been chosen by the people of his district to represent them upon that broader field of national activity—that he feels it his duty at this time to leave this body and go to the house of representatives. I know that the senator has at all times, Mr. President, during his membership in this body worked and labored for the best interests of the people of his district and the people of the state of Wisconsin, and I know that this senate wishes him

well when he leaves us today and becomes a member of that national body. We feel and we know that his record there will be as good as his record has been here.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Snover, Stevens, Tomkins, True, Weissleder, White, and Zophy—26.

Absent—Senators Bichler, Burke, Hoyt, Scott, and Weigle—5.

Absent with leave—Senator Teasdale—1.

Senator Rahdolph moved that this senate extend to the senator from the twenty-first an invitation that he shall have the privilege of this senate, remain in his seat and participate in debates on any measures until such time as his successor is elected and qualified; knowing that he has no vote, I move that we give him that privilege.

The president said: Senators, you have heard the motion of the senator from the fifteenth. I desire to second that motion, for myself as a senator, and in behalf of every member of this senate. It will give us great pleasure, I know, to see the senator in his seat and to hear his voice on any and every occasion until his duties call him from us.

Carried by a unanimous rising vote.

The journal of yesterday was approved.

MOTIONS.

Senator Ackley moved that the sergeant-at-arms be instructed to proceed to the office of the superintendent of public property and inquire why Res. No. 18, S., instructing the superintendent to furnish spring water to the senate for drinking purposes, which was adopted and appears in the journal of Thursday, February 27, has been ignored, and report to the senate.

Motion carried.

BILLS FOR REVISION.

Senator Monk offered one bill for revision.

PETITIONS.

- Pet. No. 71, S. By Senator Tomkins. To committee on Education and Public Welfare.
- Pet. No. 72, S. By Senator Kellogg. To committee on Education and Public Welfare.
- Pet. No. 73, S. By Senator Allers. To committee on Education and Public Welfare.
- Pet. No. 74, S. By Senator True. To committee on Education and Public Welfare.
- Pet. No. 75, S. By Senator Huber. To committee on Corporations.
- Pet. No. 76, S. By Senator Huber. To committee on Education and Public Welfare.
- Pet. No. 77, S. By Senator Perry. To committee on Education and Public Welfare.
- Pet. No. 78, S. By Senator Culbertson. To committee on Corporations.
-

MESSAGE FROM THE ASSEMBLY

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed and asks concurrence in

No. **19, A.**,

No. **84, A.**

No. **149, A.**,

No. **260, A.** and

No. **363, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first and second times and referred.

No. **19, A.** To committee on Education and Public Welfare.

No. **84, A.** To committee on Judiciary.

No. **149, A.** To committee on Judiciary.

No. **260, A.** To committee on Education and Public Welfare.

No. **363, A.** To committee on Corporations.

BILLS READY FOR ENGROSSMENT.

No. **7, S.**

Substitute amendment No. 1, S.

Senator True offered amendment No. 1, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Substitute amendment No. 1, S., as amended, was adopted.

No. **7, S.,**

Was ordered engrossed and read a third time.

No. **38, S.,**

Was ordered engrossed and read a third time.

No. **56, S.,**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **68, S.,**No. **166, S.,**No. **174, S.,**No. **176, S.,**No. **177, S.,**No. **178, S.,** andNo. **179, S.,**

Were each severally ordered engrossed and read a third time.

No. **306, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **35, S.,** andNo. **172, S.,**

Were indefinitely postponed.

BILLS TO BE ORDERED TO THIRD READING.

No. **20, A.,**

Upon motion of Senator Bishop,

Laid over until Thursday, March 6, 1913.

No. **31, A.,**

Upon motion of Senator True,

Laid over until Thursday, March 6, 1913.

LEAVE OF ABSENCE.

Upon request of Senator Bishop,

Leave of absence was granted to Senator Scott for this session and for the balance of this week.

RECESS.

Upon motion of Senator Randolph,
The senate took a recess until 5:00 o'clock p. m.

5:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

COMMUNICATION FROM THE SERGEANT-AT-ARMS
OF THE SENATE.

SENATE CHAMBER,

March 4, 1913.

Mr. President, and the Honorable, the Senate of Wisconsin:

Pursuant to motion made by Senator Ackley at this morning's session, I beg leave to report, that I have the promise of the Hon. W. L. Essmann, superintendent of public property, that the provisions of Resolution No. 18, S., will be complied with at once. I wish further to say that Mr. Essmann informed me that he did not receive a copy of Resolution No. 18, S., until Monday, March 3.

Respectfully submitted,

C. A. LEIGHT,

Sergeant-at-Arms of the Senate.

The chief clerk reported that copy of the resolution was delivered to the assistant superintendent of public property on Saturday, March 1.

RESOLUTIONS INTRODUCED.

Res. No. 21, S.,

To amend rules 23, 46, 53 and 73 of the senate rules.

Resolved by the senate, That the senate rules be amended as follows:

Amend rule 23 by adding at the end thereof the following: "Motion to reconsider may be made in committee, before the papers are reported to the senate, by any member who voted with the majority, or in case of a tie vote, by any member. Rereference shall give the committee full power to act without reconsidering its former action."

Amend rule 46 by adding at the end thereof the following:
"Motion to recall and recommit or withdraw shall be in order, but the question shall be divisible."

Amend rule 53 to read:

53. AMENDMENTS MAY BE OFFERED, WHEN.
~~Amendments may be offered to any bill, resolution or memorial, and acted upon before they are ordered engrossed for third reading; but no amendment shall be considered after a bill has been ordered engrossed, except by unanimous consent of the members present.~~

When amendments may be offered. *Amendments shall be in order only upon the second reading of the bill or resolution.*

Amend rule 73 to read:

73. Motion to reconsider. A motion to reconsider a question may be made by any member who voted with the majority, or in case of a tie vote, by any member. This motion shall be made on the same or the next succeeding legislative day of the senate, and it shall be received under any order of business. *If the papers are not in the possession of the senate, the motion shall be entertained, but shall not be put until the papers are received; and a motion to secure the papers shall be in order.* If a motion to reconsider is made upon the legislative day next succeeding the action which it is moved to reconsider, the motion shall be ordered laid over to the next calendar, if such order is called for by five members who voted with the majority, and the motion to reconsider may be laid over from time to time thereafter by a majority vote. Such motion having been put and lost shall not be renewed.

By Senator Randolph.

Laid over under the rules.

JL. Res. No. 32, S.,

For the appointment of a committee of the legislature to confer with a committee of the legislature of Minnssota, relative to uniform and reciprocal laws relating to the taking of fish in all boundary waters between Minnesota and Wisconsin including Lake Pepin and Lake St. Croix.

WHEREAS, Serious controversy has arisen between the states of Wisconsin and Minnesota concerning the fishing rights of their respective citizens in the Mississippi river and Lake Pepin, constituting the boundary line between said states, and

WHEREAS, Because of such difference, an action has been commenced by the state of Minnesota against the state of Wisconsin in the supreme court of the United States, which action is now pending, for the purpose of determining the true boundary line, and

WHEREAS, At the last regular session of the legislatures of said states committees of the said legislatures were appointed to confer on the said boundary line and if possible, to settle the same and the controversy concerning it, and

WHEREAS, Said committees have made their reports to the legislatures of their respective states, reporting their failure to agree in said matters and their failure to determine such boundary line and have recommended to the legislature of each state the appointment of committees to confer, and if possible, to agree on the passage of uniform and reciprocal laws by the two states, relating to and controlling the taking of fish in said boundary waters, thereby bringing about a practical settlement between said states as to said waters;

Now, therefore, be it resolved by the senate, the assembly concurring, That there be and is hereby created a joint committee, consisting of three (3) members of the senate to be chosen by the presiding officer thereof, and three (3) members of the assembly, to be chosen by the speaker thereof, to meet and confer with a committee of the legislature of the state of Minnesota, which committee it is understood has already been appointed by said legislature, relative to uniform and reciprocal laws to be enacted by the law making bodies of said two states, regulating, licensing and controlling the taking of fish in the boundary waters of said states, being the Mississippi river, Lake Pepin and Lake St. Croix, and that such committee make its report to this legislature at this session.

Be it further resolved, That said committee, and its members be allowed their actual expenses necessarily incurred in the performance of their duties in such matters as shall be provided by legislation to be adopted.

By Committee on State Affairs.

Adopted.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. 328, S.,

Indefinite postponement.

No. 7, A., and

No. 88, A.,

Concurrence.

OTTO BOSSHARD,
Chairman.

ADJOURNMENT.

Upon motion of Senator Bishop,
The senate adjourned.

WEDNESDAY, MARCH 5, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. O. G. Siljan.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—31.

Absent with leave—Senator Scott—1.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator A. E. Martin,
And with unanimous consent,

No. **298, S.**, was recalled from the committee on Education and Public Welfare, and referred to the committee on Judiciary.

BILLS FOR REVISION.

The committee on Judiciary offered three bills, the committee on State Affairs offered one bill, Senator Bosshard offered one bill, and Senator White offered one bill for revision.

RESOLUTIONS INTRODUCED.

Res. No. 22, S.,

Be it resolved by the senate, That the president of the senate is hereby instructed to appoint a committee of three members of the senate to confer with the board of regents of the state university,

now in session in this city, regarding immoral conduct or illegal procedure now in practice in this city in regard to student life.

By Senator Culbertson.

Senator Burke moved that Res. No. 22, S., be referred to the committee on Judiciary.

A division was called for, and

The motion prevailed.

PETITIONS.

Pet. No. 79, S. By Senator True. To committee on State Affairs.

Pet. No. 80, S. By Senator Tomkins. To committee on State Affairs.

Pet. No. 81, S. By Senator Tomkins. To committee on State Affairs.

COMMUNICATIONS TO THE SENATE.

MARCH 5, 1913.

CHIEF CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

O. G. Bryant, Milwaukee, representing Milwaukee Produce and Fruit Exchange, upon No. **357, A.**

M. J. Briggs, Sun Prairie, Wis., representing himself upon Automatic Fire Protection.

O. W. Bow, 2914 Wells St., Milw., representing Federation of Churches, Milwaukee, upon No. **206, A.**

H. G. Dickmann, 470 7th St., Milwaukee, representing himself upon No. **243, A.**

Fred de Harde, 802 North Ave., Milwaukee, representing Milwaukee Pharmaceutical Assn., upon No. **299, A.**

S. A. Eckstein, 112 Wisconsin St., Milwaukee, representing Wisconsin Pharmaceutical Assn., Secy's Office, Palmyra, upon No. **299, A.**

Herman L. Emmerich, 834 Downer Ave., Milwaukee, representing Milwaukee Pharmaceutical Ass'n, upon No. **299, A.**

John Foley, 1467—3d St., Milwaukee, representing himself upon No. **243, A.**

Wm. J. Fiebrantz, 529 Vliet St., Milwaukee, representing himself upon No. **357, A.**

Albert J. Happel, 2439 Auer Ave., Milwaukee, representing himself upon No. **243, A.**

Albert Holl, 5—35th St., Milwaukee, representing himself upon No. **243, A.**

Oswald C. Jaeger, 920 Central Ave., Milwaukee, representing himself upon No. **243, A.**

Frank Kullmann, 2412 State St., Milwaukee, representing himself upon No. **243, A.**

Geo. H. Kesten, 302 State St., Milwaukee, representing Milwaukee Pharmaceutical Assn., as president, upon No. **299, A.**

August Kouske, 1601 Chestnut St., Milwaukee, representing himself upon No. **243, A.**

C. C. Mitchell, 818 Cass St., La Crosse, representing Remington Arms & M. C. Co., 299 Broadway, New York, upon No. **317, S.**

M. B. Magaum, Long Lake, Wis., representing himself upon No. **449, A.**

Tom A. Marshall, P. O. Box 178, Chicago, representing M. Hartley Dodge, 299—301 Broadway, N. Y., upon No. **317, S.**

J. W. McMillan, 567 Prospect Ave., Milw., representing Milwaukee Federation of Churches, upon No. **206, A.**

F. W. Meissner, 416 E. North Ave., Milw., representing Milwaukee Pharmaceutical Association, upon No. **299, A.**

H. R. Patterson, 527—19th Ave., Milw., representing Remington Arms & M. C. Co., 299 Broadway, New York, upon No. **317, S.**

Peter Politzky, 422—14th Ave., Milw., representing himself upon No. **243, A.**

Jos. Poehlmann, 166 Ogden Ave., Milw., representing himself upon No. **243, A.**

John G. Rose, 568 Chestnut St., Burlington, Wis., representing himself upon No. **243, A.**

George Sammer, 1615 Galena St., Milw., representing himself upon No. **243, A.**

Paul J. Stern, 927 Central Ave., Milw., representing himself upon No. **243, A.**

G. W. Spencer, 607 University Ave., Madison, Wis., representing himself upon No. **243, A.**

J. F. Schipper, 258 Howell Ave., Milwaukee, representing himself upon No. **243, A.**

Wm. Thomson, 706 Oakland Ave., Milwaukee, representing Milwaukee Pharmaceutical Association, upon No. **299, A.**

Ed Wieler, 767—9th St., Milwaukee, representing himself upon No. **243, A.**

A. J. Wilbur, 315 School St., Janesville, president of Wisconsin Wholesale Bakers' Ass'n, representing Wisconsin Wholesale Bakers' Ass'n, upon No. **243, A.**

J. M. Clancey, Stoughton, Wis., representing Committee having charge of Recall Proceedings in Janesville, John Fisher Janesville, upon No. **125, S.**

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **175, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **337, S.**,

Adoption of amendment No. 1, S., and passage.

No. **338, S.**,

Passage.

No. **116, S.**,

No. **122, S.**,

No. **222, S.**,

No. **260, S.**, and

No. **351, S.**,

Indefinite postponement,

No. **261, S.**,

Indefinite postponement, Senator Linley dissenting.

E. F. KILEEN,
Chairman.

The joint committee on Finance report and recommend:

No. **129, S.**, and

No. **195, S.**,

Passage.

JOHN M. TRUE,
Acting Chairman.

CLERK'S REPORT.

The chief clerk records:

No. **56, S.**,

No. **96, S.**,

No. **106, S.**,

No. **117, S.**, and

No. **306, S.**,

Correctly engrossed.

RESOLUTIONS CONSIDERED.

Res. No. 19, S.,

Res. No. 21, S.

Upon request of Senator Randolph,

And with unanimous consent,

The adoption of Res. No. 19, S., and Res. No. 21, S., was put as one question.

The ayes and noes were required, and the vote was: Ayes, 31; noes, none; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—31.

Noes—None.

Absent or not voting—Senator Scott—1.

And so the resolutions were adopted.

BILLS READY FOR ENGROSSMENT.

No. 115, S.

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. 46, S.

Senator Kileen moved that the bill be referred to the committee on Corporations, with instructions to report not later than Monday, March 10, 1913, so that the bill shall be on the senate calendar for Wednesday, March 12, 1913.

Motion carried.

No. 49, S.

Senator Teasdale offered amendment No. 1, S.,

Which amendment was refused adoption, and

No. 49, S.,

Was indefinitely postponed.

No. 4, S.,

No. 5, S.,

No. 66, S., and

No. 92, S.,

Were each severally indefinitely postponed.

The president called Senator White to the chair.

No. 98, S.,

A bill to amend subsections 1 and 4 of section 1409g of the statutes, permitting assistant pharmacists to conduct business in towns, cities, or villages having less than twelve hundred population.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 26; noes, 4; absent or not voting, 2, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo,

Snover, **Stevens**, Tomkins, True, Weigle, Weissleder, White, and Zophy—26.

Noes—**Senators** Ackley, Glenn, Kileen, and Teasdale—4.

Absent or not voting—**Senators** Burke and Scott—2.

And so the bill was indefinitely postponed.

The president pro tempore resumed the chair.

No. **114, S.**

Senator Linley moved that the bill be rereferred to the committee on **Education and Public Welfare**.

Senator Ackley moved that the senate take a recess until 5:00 o'clock p. m.

Senator Bosshard rose to a point of order that **Senator** Ackley's motion was out of order because there was already a motion before the senate.

The president held the point of order not well taken for the reason that a motion for a recess has the same privilege as a motion to adjourn, which is always in order.

Senator Ackley, with unanimous consent, withdrew his motion for a recess.

The motion of **Senator** Linley to rerefer No. **114, S.**, to the committee on **Education and Public Welfare** was lost.

At this time, upon request of **Senator** Bosshard, and with unanimous consent,

Former president pro tempore of the senate, Hon. James J. McGillivray, of Black River Falls, was invited to address the senate.

The president directed the sergeant-at-arms to escort Mr. McGillivray to the presidents desk.

Mr. McGillivray briefly addressed the senate.

RECESS.

Upon motion of **Senator** White,

The senate took a recess until 5:00 o'clock p. m.

5:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

BILLS READY FOR ENGROSSMENT.**No. 114, S.,**

A bill to create section 4482p of the statutes, relating to political machines and political conspiracies.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 15; noes, 8; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Culbertson, Kellogg, Martin A. E., Martin H. C., Monk, Perry, Skogmo, Snover, Teasdale, Weigle, and White—15.

Noes—Senators Bosshard, Burke, Cunningham, Glenn, Huber, Linley, Randolph, and True—8.

Absent or not voting—Senators Hoyt, Husting, Kileen, Richards, Scott, Stevens, Tomkins, Weissleder, and Zophy—9.

And so the bill was indefinitely postponed.

No. 130, S., and**No. 224, S.,**

Were each severally indefinitely postponed.

No. 160, S.,

Upon request of Senator Bosshard, and with unanimous consent, was placed at the foot of the calendar.

BILLS TO BE ORDERED TO THIRD READING.**No. 67, A.,**

Was ordered to a third reading.

BILLS READY FOR THIRD READING.**No. 13, S.,****No. 32, S.,****No. 64, S.,****No. 76, S.,****No. 87, S.,****No. 95, S.,****No. 107, S.,****No. 111, S.,****No. 124, S.,****No. 136, S., and****No. 217, S.,**

Were each severally read a third time, and passed.

No. **37, S.**,

Was read a third time.

The question was, Shall the bill pass?

A division was called for, and the bill was passed.

No. **70, S.**,

A bill to appropriate to August Lehnhoff, a sum of money therein named, for expenses incurred in defending suit of malicious prosecution brought against him as factory inspector.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 18; noes, 6; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Culbertson, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Skogmo, Stevens, Teasdale, True, Weigle, and White—18.

Noes—Senators Albers, Bichler, Burke, Cunningham, Perry, and Snover—6.

Absent or not voting—Senators Hoyt, Husting, Kileen, Richards, Scott, Tomkins, Weissleder, and Zophy—8.

And so the bill was passed.

No. **71, S.**,

Upon request of Senator Burke, and with unanimous consent, Was laid over until Thursday, March 6, 1913.

No. **587, A.**,

A bill to make an appropriation for stationery for use of state officers and departments and the legislature,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Skogmo, Snover, Stevens, Teasdale, True, Weigle, and White—23.

Noes—None.

Absent or not voting—Senators Hoyt, Husting, Kileen, Perry, Richards, Scott, Tomkins, Weissleder, and Zophy—9.

And so the bill was concurred in.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 409, 411, 412, 414, 415, and 416.

H. C. MARTIN,

Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **381, S.** (Revision No. 414). By Committee on Corporations.

Senator Bosshard reported that the committee on Corporations had considered No. **381, S.**, and recommended its passage.

Upon request of Senator Bosshard,

All rules interfering, were suspended by unanimous consent, and

No. **381, S.**

Was placed upon its final passage at this time.

No. **381, S.**,

Was read a third time, and passed.

No. **382, S.** (Revision No. 411). By Committee on Judiciary (by request). To committee on Judiciary.

No. **383, S.** (Revision No. 412). By Committee on Judiciary (by request). To committee on Judiciary.

No. **384, S.** (Revision No. 409). By Senator Browne. To special committee on Conservation.

No. **385, S.** (Revision No. 415). By Committee on State Affairs. To committee on State Affairs.

No. **386, S.** (Revision No. 416). By Committee on State Affairs. To committee on State Affairs.

COMMITTEE REPORTS.

The committee on State Affairs report and recommend:

Jt. Res. No. 27, A.,

Concurrence.

M. F. WHITE,
Chairman.

Jt. Res. No. 27, A.,

Was concurred in.

The committee on Education and Public Welfare report and recommend:

Jt. Res. No. 26, S.,

Adoption.

No. **168, S.**,

Passage.

HOWARD TEASDALE,
Chairman.

Upon request of Senator Bosshard,
All rules interfering were suspended by unanimous consent, and
No. **168, S.**,

Was placed upon its final passage at this time.

No. **168, S.**,

Was read a third time, and passed.

Upon request of Senator Bosshard,

All rules interfering, were suspended by unanimous consent, and

No. **168, S.**, and

No. **381, S.**,

Were ordered messaged to the assembly at once.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

Jt. Res. No. 32, S.

Has adopted, and asks concurrence in,

Jt. Res. No. 36, A., and

Jt. Res. No. 37, A.

And has passed, and asks concurrence in,

No. **28, A.**,

No. **69, A.**,

No. **77, A.**,

No. **78, A.**,

No. **137, A.**,

No. **189, A.**, and

No. **298, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 36, A.,

Upon request of Senator Bosshard,

Referred to the committee on Legislative Procedure.

Jt. Res. No. 37, A.,
Was concurred in.

No. **28, A.** To calendar.

No. **69, A.** To calendar.

No. **77, A.** To committee on Judiciary.

No. **78, A.** To committee on Corporations.

No. **189, A.** To calendar.

No. **298, A.** To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT—

I am directed to inform you that the assembly requests the recall of

No. **137, A.,**

For the purpose of amendment.

ASSEMBLY MESSAGE CONSIDERED

No. **137, A.,** was ordered returned to the assembly

BILLS READY FOR ENGROSSMENT.

(At foot of Calendar.)

No. **160, S.,**

Upon request of Senator Cunningham, and with unanimous consent,

Was laid over until Thursday, March 6, 1913.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records

No. **7, S.,** and

No. **115, S.,**

Correctly engrossed.

The chief clerk under rule 32 makes the following corrections in substitute amendment No. 7, S.:

In line 33 change the word "act" to "section".

In line 37 change the word "act" to "section".

Strike out the word "other" in line 7 of section 3.

THURSDAY, MARCH 6, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. O. G. Siljan.

The roll was called and the following senators answered to their

names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Ki-
leen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph,
Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True,
Weigle, Weissleder, White, and Zophy—31.

Absent with leave—Senator Scott—1.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Bichler,

The vote by which No. **124, S.**, was passed, was reconsidered.
No. **124, S.**

Senator Bichler, with unanimous consent, offered substitute
amendment No. 1, S.

Upon motion of Senator Skogmo,

No. **124, S.**, and pending amendment,
Was referred to committee on State Affairs.

Upon motion of Senator Weigle, and with unanimous consent,
Bill bearing revision No. 364, was withdrawn.

The committee on Legislative Procedure report and recommend
for introduction bill bearing revision No. 413.

H. C. MARTIN,

Chairman.

This bill was read by title and the recommendation of the com-
mittee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **387, S.** (Revision No. 352). By Senator Browne. To committee on Finance.

No. **388, S.** (Revision No. 413). By Committee on Judiciary. By request. To committee on Judiciary.

PETITIONS.

Pet. No. 82, S. By Senator Snover. To committee on State Affairs.

Pet. No. 83, S. By Senator Perry. To committee on Education and Public Welfare,

Pet. No. 84, S. By Senator Husting. To committee on Education and Public Welfare.

COMMUNICATIONS TO THE SENATE.

MARCH 5, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: I am transmitting herewith copy of claims of the Northwestern Mutual Life Insurance Company against the state of Wisconsin.

Very truly yours,
J. S. DONALD,
Secretary of State.

MARCH 6, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

J. M. Bucknell, Wyocena, Wis., representing Farmers' Co-operative Telephone Co., Pacific, Wyocena and Springvale, on legislation affecting telephone lines.

W. G. Bruce, 703 Germania Bldg., Milwaukee, representing Merchants & Manufacturing Association, Milwaukee, upon legislation affecting tax laws, educational and civic interests of Milwaukee.

Robert E. Buech, saloonkeeper, Cor. E. Water and Mason Sts., Milwaukee, representing himself upon No. **711, A.**

L. K. Bronson, Secy., 32 High St., Oshkosh, representing Chamber of Commerce, Oshkosh, upon legislation affecting the state fair.

J. H. Birne, Oakfield, representing himself upon legislation affecting the state fair.

R. C. Brown, Oshkosh, representing the City of Oshkosh on legislation affecting the state fair.

W. J. Bollenbeck, Secy., 201 Hathaway Bldg., Milwaukee, representing Voters' League, upon legislation affecting good government.

J. G. Butler, 208—17th St., Milwaukee, representing himself upon No. **407, A.**

F. A. Cannon, 1212 Ry. Exch. Bldg., Milwaukee, representing himself upon legislation affecting the state fair.

H. J. Dunham, Wyocena, representing Farmers' Co-operative Telephone Co., Wyocena, upon legislation affecting telephone lines.

Henry Dehde, Oshkosh, representing himself on legislation affecting the state fair.

August C. Egelhoff, Fond du Lac, representing the city of Fond du Lac upon legislation affecting the state fair.

E. A. Everett, Eagle River, representing Vilas County on all matters affecting Vilas County.

J. A. Farrington, Prest., Rio, representing People's Telephone Co., Rio, on legislation affecting telephone lines.

W. F. Goodrich, Secy., La Crosse, representing La Crosse Telephone Co., upon legislation affecting telephones.

A. C. Gallagher, Oshkosh, representing the city of Oshkosh, upon legislation affecting the state fair.

Wm. J. Glatz, Oshkosh, representing the city of Oshkosh, upon legislation affecting the state fair.

J. T. Gruenheck, Fond du Lac, Wis., representing City of Fond du Lac, upon state fair.

O. A. Haase, Oshkosh, Wis., representing City of Oshkosh, upon state fair.

L. A. Hanlon, 511 Madison St., Milwaukee, representing himself upon No. **407, A.**

H. P. Jamieson, Secy. and Treas., Poynette, Wis., representing Poynette Telephone Co., Poynette, Wis.

H. C. Kelling, 885—7th St., Milwaukee, representing Master Carpenters' Assn., 456 Broadway, Milwaukee.

E. H. Lyons, Fond du Lac, Wis., representing City of Fond du Lac, upon state fair.

C. W. Mitchell, 574 Fifth Ave., Milwaukee, representing himself upon guns, fish and game.

F. H. McKinney, Supt., Clinton, Wis., representing Clinton Telephone Co., Clinton, Wis.

M. C. Mertz, Oshkosh, Wis., representing himself upon state fair.

D. E. McDonald, Dist. Atty., Oshkosh, Wis., representing Winnebago county upon legislation affecting penal institutions, and finances of Winnebago county.

Wm. Mauthe, Fond du Lac, Wis., representing himself upon state fair.

John Mulva, Oshkosh, Wis., representing city of Oshkosh, upon state fair.

Theo. Otjen, Atty. at Law, Milwaukee, representing City of Milwaukee upon No. **711, A.**, election registration.

Ben Olson, Secy., Kilbourn, Wis., representing Farmers' Inter County Mutual Telephone Co., upon legislation affecting telephone lines.

Geo. G. Brow, 45th Ave., Beloit Rd., West Milwaukee, representing Interstate Mfg. Assn., upon excise and fees.

Jay W. Page, lawyer, Elkhorn, Wis., representing himself upon legislation relating to Walworth county court.

F. H. Runkel, Sec'y-Treas., Portage, Wis., representing Portage Telephone Co., upon telephone legislation.

Jos. Raup, Portage, Wis., representing himself upon guns, game and fish.

R. W. Jackman, 137 E. Gorham St., Madison, representing Rock County Natl. Bank, Janesville, upon legislation affecting banks.

Wm. Kaumheimer, attorney at law, Milwaukee, representing Milwaukee Athletic Club, Milwaukee, upon No. **264, S.**

B. L. Parker, Green Bay, Wis., representing Green Bay Gas & Electric Co., Wisconsin Public Service Co., Citizens National Bank, upon public utility and banking legislation.

John H. Paul, attorney at law, Milwaukee, representing Interior Woodwork Co., Milwaukee, Wis., upon mechanics' lien laws.

John Reuteman, 416 Carroll Block, Milwaukee, representing himself upon No. **711, A.**, elections.

F. E. Raeder, Oshkosh, Wis., representing the city of Oshkosh upon State Fair.

Henry Schmidt, president, 653—21st St., Milwaukee, representing Builders' Benevolent Ass'n, 456 Broad, Milwaukee, upon No. **86, S.**

W. L. Smith, Secretary, Neillsville, Wis., representing Badger State Tel. & Telegraph Co., Neillsville, Wis., and Wisconsin State Tel. Ass'n., upon telephone legislation.

J. J. Schumacher, Beaver Dam, Wis., representing himself upon Guns, Fish and Game.

Herman C. Schultz, Milwaukee, representing city of Milwaukee upon No. **711, A.**, elections.

H. O. Seymour, manager, Milwaukee, representing Wisconsin Telephone Co., Milwaukee, upon telephone legislation.

N. H. Snow, president, Mineral Point, Wis., representing Min-

eral Point Telephone Co. upon telephone legislation; himself on motor vehicles; and Illinois Zinc Co. upon mining industries.

(Geo. J. Smith, Oshkosh, Wis., representing City of Oshkosh upon state fair.

R. B. Stearns, Milwaukee, representing The Milwaukee Electric Railway & Light Co. upon all matters affecting street and interurban railways.

Oswald H. Ulbricht, 249—28th St., Milwaukee (lumber dealer), representing himself upon No. **40, A., 44, A., and 452, A.**

Richard Valentine, general manager, Janesville, Wis., representing Rock County Telephone Co., upon telephone legislation.

B. M. Vaughn, Grand Rapids, Wis., representing drainage districts upon drainage matters.

N. C. Winter, President, 5029 North Ave., Milwaukee, representing Master Carpenters Ass'n, 456 Broadway, Milwaukee, also Milwaukee County upon all matters relating to No. **86, S.**

L. A. Williams, Fond du Lac, Wis., representing himself upon state fair.

August Richter, Jr., 416 Caswell Bldg., Milwaukee, representing Milwaukee Real Estate Board upon all matters.

John A. McCormick, lawyer, Milwaukee, Wis., representing Milwaukee Real Est. Board, upon all matters.

R. C. Smelker, Antigo, Wis., representing Langlade County Bar, upon municipal court bill.

J. C. Thompson, lawyer, Oshkosh, Wis., representing himself upon state fair.

COMMITTEE REPORTS.

The committee on State Affairs report and recommend:

No. **281, S.,**

Indefinite postponement, Senator Cunningham dissenting.

No. **283, S.,**

No. **2813, S., and**

No. **2834, S.,**

Passage.

No. **286, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **287, A.,**

Adoption of amendment No. 1, S., and concurrence.

M. F. WHITE,
Chairman.

The committee on Corporations report and recommend:

No. **2836, S.,**

Reference to committee on Judiciary.

No. **2823, S.,**

No. **2858, S.,**

Indefinite postponement.

OTTO BOSSHARD,

Chairman

No. **236, S.**,

Re-referred to the committee on Judiciary.

EXECUTIVE COMMUNICATION.

Upon motion of Senator Randolph,
The nomination of Clemens P. Host, for State Fire Marshal
for the term ending January 15, 1919, was laid over until April
10, 1913.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and
asks concurrence in,
Jt. Res. No. 8, A.

And has passed, and asks concurrence in,

No. **111, A.**,

No. **171, A.**,

No. **233, A.**,

No. **279, A.**,

No. **287, A.**,

No. **318, A.**, and

No. **373, A.**

Adopted, and asks concurrence in,
Jt. Res. No. 11, A.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 8, A. To committee on Judiciary.

No. **111, A.** To calendar.

No. **171, A.** To committee on Corporations.

No. **233, A.** To committee on State Affairs.

No. **279, A.** To committee on Judiciary.

No. **287, A.** To committee on Judiciary.

No. **318, A.** To calendar.

No. **373, A.** To committee on Corporations.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and
asks concurrence in,

No. **711, A.**

ASSEMBLY MESSAGE CONSIDERED.

No. **711, A.**,

Read first time.

Upon request of Senator Zophy,

All rules interfering, were suspended by unanimous consent, and

No. **711, A.**,

Was placed upon its final concurrence at this time.

No. **711, A.**,

Was read a third time and concurred in.

Upon request of Senator Zophy,

All rules interfering, were suspended by unanimous consent, and

No. **711, A.**,

Was ordered messaged to the assembly at once.

Jt. Res. No. 11, A.

Read first time and referred to committee on Judiciary.

RESOLUTIONS CONSIDERED.

Res. No. 20, S.

Senator Hoyt offered the following amendment:

Amendment No. 1, S., to Res. No. 20, S.

Amend resolution No. 20, S., by striking out the word "ten" where it occurs in the third line of the fourth paragraph on page 2 and insert in lieu thereof the word "thirty."

Which amendment was adopted.

Res. No. 20, S., as amended,

Was adopted.

The president called Senator True to the chair.

BILLS READY FOR ENGROSSMENT.

Upon request of Senator Cunningham, and with unanimous consent,

No. **160, S.**,

Which was yesterday laid over and placed at the foot of today's calendar, was taken up and considered at this time.

No. **160, S.**,

A bill to amend subsection 2 of section 26, of the statutes, relating to registration of voters.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 22; absent or not voting, 2, as follows:

Ayes—Senators Albers, Culbertson, Huber, Monk, Randolph, Skogmo, Teasdale, and True—8.

Noes—Senators Ackley, Bichler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Richards, Snover, Stevens, Tomkins, Weigle, Weissleder, White, and Zophy—22.

Absent or not voting—Senators Bishop and Scott—2.

And so the senate refused to indefinitely postpone the bill.

Senator Cunningham asked that unanimous consent be given for the suspension of all rules interfering, and No. **160, S.**, be placed upon its final passage at this time.

Senator Randolph objected.

Senator Cunningham then moved that all rules interfering be suspended, and

No. **160, S.**,

Be placed upon its final passage at this time.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the votewas: Ayes, 19; noes, 11; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Burke, Cunningham, Hustling, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards, Snover, Stevens, Tomkins, Weigle, Weissleder, White, and Zophy—19.

Noes—Senators Albers, Bosshard, Culbertson, Glenn, Huber, Martin H. C., Monk, Randolph, Skogmo, Teasdale, and True—11.

Absent or not voting—Senators Hoyt and Scott—2.

And so the senate refused to suspend the rule.

Senator Hustling rose to a question of parliamentary inquiry and asked: "Should not the question now be, 'Shall the bill be ordered engrossed and read a third time?'" "

The president (Senator True), held that the refusal of the senate to indefinitely postpone, ordered the bill engrossed and read a third time.

The president pro tempore resumed the chair.

No. **19, S.**

A bill to amend section 1562 of the statutes, relating to the use of license moneys.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 26, oes, 3; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, urke, Culbertson, Cunningham, Huber, Hustling, Kellogg, ileen, Martin A. E., Martin H. C., Monk, Perry, Randolph,

Richards, Skogmo, Snover, Stevens, Tomkins, Weigle, Weissleder, **White**, and Zophy—26.

Noes—Senators Hoyt, Teasdale, and True—3.

Absent or not voting—Senators Glenn, Linley, and Scott—3.

And so the bill was indefinitely postponed.

Senator Linley rose to a question of personal privilege and stated **that**, having been absent from the chamber when the yeas and nays were called on No. **19 S.**, he asked unanimous consent that the journal record a statement that he was opposed to the bill.

Consent was given.

No. **33, S.**,

A bill to create section 1557f of the statutes, relating to the sale of **intoxicating** liquors, and providing a penalty therefor.

Several senators made reference to the action of the assembly upon a **similar** bill.

The **president** called the senators to order and ruled that mention in **debate** of any action of the assembly was out of order.

The **question** was, Shall the bill be indefinitely postponed?

The **ayes** and **noes** were demanded, and the vote was: Ayes, 12; **noes**, 17; **absent** or not voting 3, as follows:

Ayes—Senators Ackley, Biehler, Bishop, Cunningham, Huber, **Husting**, Kellogg, Perry, Richards, Stevens, Tomkins, and Weissleder—12.

Noes—Senators Albers, Bosshard, Burke, Culbertson, Glenn, Kileen, **Linley**, Martin A. E., Martin H. C., Monk, Randolph, Skogmo, Snover, Teasdale, True, Weigle, and Zophy—17.

Absent or not voting—Senators Hoyt, Scott, and White—3.

And so the senate refused to indefinitely postpone the bill.

Senator Randolph requested that unanimous consent be given for the **suspension** of all rules interfering, and No. **33, S.**, placed upon its **final** passage at this time.

Senator Ackley objected.

Senator Randolph then moved that all rules interfering be suspended, and

No. **33, S.**,

Be placed upon its final passage at this time.

The **question** was, Shall the rules be suspended?

The **ayes** and **noes** were required, and the vote was: Ayes, 16; **noes**, 14; **absent** or not voting, 2, as follows:

Ayes—Senators Bosshard, Culbertson, Glenn, Linley, Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Snover, Teasdale, Tomkins, True, Weigle, and Zophy—16.

Noes—Senators Ackley, Albers, Biehler, Bishop, Burke, Cunningham, Hoyt, Huber, **Husting**, Kellogg, Kileen, Martin A. E., Stevens, and Weissleder—14.

Absent or not voting—Senators Scott and White—2.

And so the senate refused to suspend the rules.

No. **48, S.**,

Upon motion of Senator Bosshard,

Was laid over until Thursday, March 20, 1913.

No. **328, S.**,

Was indefinitely postponed.

BILLS TO BE ORDERED TO THIRD READING.

No. **7, A.**,

Upon motion of Senator Bosshard,

Was re-referred to committee on Corporations.

No. **20, A.**,

No. **31, A.**, and

No. **88, A.**,

Were each severally ordered to a third reading.

Upon request of Senator Perry,

All rules interfering were suspended by unanimous consent, and

No. **88, A.**,

Was placed upon its final concurrence at this time.

No. **88, A.**,

Was read a third time and concurred in.

BILLS READY FOR THIRD READING.

No. **38, S.**,

No. **68, S.**,

No. **71, S.**,

No. **174, S.**,

No. **176, S.**,

No. **177, S.**,

No. **178, S.**, and

No. **179, S.**,

Were each severally read a third time, and passed.

No. **166, S.**,

A bill to appropriate to Valentine Raeth a specified sum of money to reimburse him for payments made by him.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 26; noes, 3; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—26.

Noes—Senators Albers, Husting, and Snover—3.

Absent or not voting—Senators Kileen, Scott, and White—3.

And so the bill was passed.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Perry, Bosshard, Weissleder, Monk, Linley, Snover, Skogmo and Weigle until Tuesday, March 11, 1913.

COMMUNICATION TO SENATE.

MARCH 6th, 1913.

Honorable F. M. WYLIE,
Chief Clerk, Senate,
Capitol.

Dear Sir: Herewith opinion recently rendered to the superintendent of public property, concerning the right of the senate to make demands upon him for certain supplies, for your consideration.

Yours very truly,
(Signed) W. C. OWEN,
Attorney General.

MARCH 4th, 1913.

Honorable WM. L. ESSMANN,
Superintendent of Public Property,
Madison, Wis.

Dear Sir: In your letter of the 1st, you enclosed a copy of a letter from F. M. Wylie, chief clerk of the senate, in which he states that you are thereby notified that on February 27th, the senate adopted Resolution No. 18, S., instructing you to furnish pure spring water in the water coolers provided for the use of the senate and committee rooms, and you ask whether or not you are obliged under the law to recognize a resolution of this kind.

Under statutes providing that departments and officers are to be furnished with supplies, this department has ruled that the department or the officer is the judge as to what supplies are reasonably necessary to enable it or him to perform the duties imposed by law. See opinion of Honorable F. L. Gilbert given to Honorable Jos. D. Beck, commissioner of labor, under date of July 30th, 1910, and opinion of Honorable L. H. Bancroft given to you under date of March 12th, 1912.

I have been unable to find any similar law relating to supplies for either house of the legislature. Section 114, Wis. Stats., 1911, provides for stationery, but makes no mention of other supplies. Chap. 19, Wis. Stats., 1911, relating to the superintendent of public property, does not appear to contain any provision that would require compliance with this resolution.

In the absence of any law authorizing the supplying of spring water (and a resolution adopted by only one branch of the legislature

does not have the force of law), it is my opinion that you are not obliged to comply with the resolution in question.

Yours very truly,

(Signed) W. C. OWEN,
Attorney General.

RECESS.

Upon motion of Senator Ackley,

The senate took a recess until 5:00 o'clock p. m.

5:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

MOTIONS.

Senator Bosshard moved that the vote by which Jt. Res. No. 27, A., was concurred in, be reconsidered.

The resolution having been messaged to the assembly, the chief clerk was directed to request the assembly to return the resolution.

PETITIONS.

Pet. No. 85, S. By Senator Linley. To committee on Education and Public Welfare.

Pet. No. 86, S. By Senator Linley. To committee on Education and Public Welfare.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **39, S.**, and

No. **40, S.**,

Passage.

OTTO BOSSHARD,
Chairman.

The committee on Education and Public Welfare report and recommend:

No. **75, S.**,

Rejection of amendment No. 1, S., to amendment No. 1, S.

Adoption of amendment No. 1, S., to the bill, and passage.

No. **93, S.**, and

No. **173, S.**,

Passage.

No. 138, S.,

Indefinite postponement, Senator Teasdale dissenting.

H. TEASDALE,

Chairman.

The president appointed as the members of the committee under Jt. Res. No. 32, S., on the part of the senate, Senators Skogmo, Glenn, and Kellogg.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Ackley until Tuesday, March 11, 1913.

ADJOURNMENT.

Upon motion of Senator Teasdale,

The senate adjourned.

BILLS FOR REVISION.

Senator Weissleder filed one bill for revision at the chief clerk's desk.

FRIDAY, MARCH 7, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. O. G. Siljan.

Upon motion of Senator Husting,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 33, S.,

Directing the chief clerk to cause to be printed extra copies of
No. **387, S.**

Resolved by the senate, the assembly concurring, That the
chief clerk of the senate be directed to cause to be printed one
thousand extra copies of bill No. **387, S.**

By Senator Culbertson.

Adopted.

The committee on Legislative Procedure report and recommend
for introduction bills bearing revision Nos. 417 and 418.

H. C. MARTIN,

Chairman.

The bills were read by title, and the recommendation of the
committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **389, S.** (Revision No. 311). By Senator A. E. Martin.

To committee on State Affairs.

- No. **390, S.** (Revision No. 361). By Senator H. C. Martin.
To committee on Finance.
- No. **391, S.** (Revision No. 391). By Senator Ackley (by request).
To committee on State Affairs.
- No. **392, S.** (Revision No. 418). By Committee on State Affairs.
To committee on State Affairs.
- No. **393, S.** (Revision No. 417). By Committee on State Affairs.
To committee on State Affairs.
-

PETITIONS.

- Pet. No. 87, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 88, S. By Senator Bichler. To committee on Education and Public Welfare.
- Pet. No. 89, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 90, S. By Senator Bichler. To committee on Finance.
- Pet. No. 91, S. By Senator Glenn. To committee on Education and Public Welfare.
- Pet. No. 92, S. By Senator Glenn. To committee on Education and Public Welfare.
- Pet. No. 93, S. By Senator Kileen. To committee on Education and Public Welfare.
- Pet. No. 94, S. By Senator Kileen. To committee on Judiciary.
- Pet. No. 95, S. By Senator Kileen. To committee on Judiciary.
- Pet. No. 96, S. By Senator Kileen. To committee on Judiciary.
- Pet. No. 97, S. By Senator Kileen. To committee on Judiciary.
- Pet. No. 98, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 99, S. By Senator Kileen. To committee on Education and Public Welfare.
- Pet. No. 100, S. By Senator Stevens. To committee on Judiciary.
- Pet. No. 101, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 102, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 103, S. By Senator Kileen. To committee on Education and Public Welfare.
- Pet. No. 104, S. By Senator Stevens. To committee on Judiciary.

COMMUNICATION TO THE SENATE.

MARCH 7, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of joint resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Henry Albright, Chippewa Falls, Wis., representing American Immigration Co., Miss. River Logging Co., Chippewa Falls, Wis., upon organization of towns.

Hugo O. P. Franke, 2804 Lisbon Ave., Milw., representing Master Steamfitters' Assn. of Wis., Frank Meadows, Secy., 497 E. Water St., Milw., upon mechanics' lien laws.

Frank J. Harder, 612 Greenfield Ave., Milw., representing himself upon legislation covering lien laws.

B. A. Honeycomb, 828 Jenifer St., Madison, representing United Commercial Travelers of America,—State Grand Council of Wis., T. A. Wehsink, Secy., 555—15th St., Milw., upon legislation affecting commercial travelers.

Charles H. Munkwitz, 431 Milwaukee St., Milwaukee, Wis., representing Retail Marketmen's Assn., 11th and Chestnut Sts., Milw., E. Priebe, 29th and Lisbon Ave., upon Sunday closing, No. **188, S.**

Otto P. Seifriz, 102 Wisconsin St., Milw., representing Wis. Federation of Catholic Societies, W. Gramling, M. D., Secy., 911—22nd Ave., Milwaukee, Wis., upon legislation affecting Catholics of Wisconsin.

Alfred G. Bushnell, Madison, Wis., representing himself upon No. **336, S.**

John L. Fisher, Atty. at Law, Janesville, Wis., representing Laura Meyers, Janesville, Wis., upon No. **389, A.**

Max J. Leuterman, 22 Metropolitan Blk., Milwaukee, representing Catholic Social Union, Aug. Springob, Secy., 379 Jefferson St., Milwaukee, upon legislation affecting Catholics.

J. H. Marshutz, Lawyer, Milwaukee, representing Milwaukee Building Supply Co., Burnham Bros. Brick Co., Standard Brick Co., upon all matters.

James H. McGillan, Green Bay, Wis., representing Merchants and Manufacturers of Green Bay, upon Excise and Fees.

Solon L. Perrin, Asst. Secy., Superior, Wis., representing Interstate Transfer Ry. Co., upon No. **554, A.**

COMMITTEE REPORTS.

The joint committee on Finance report and recommend:
 No. **20, S.**,
 Indefinite postponement.

JOHN M. TRUE,
 Acting Chairman, Senate Committee.
 R. J. NYE,
 Chairman, Assembly Committee.

The committee on Judiciary report and recommend:
 No. **319, S.**,
 Adoption of substitute amendment No. 1, S., and passage.
 No. **196, S.**,
 No. **200, S.**,
 No. **252, S.**,
 No. **254, S.**, and
 No. **266, S.**,
 Indefinite postponement.
 No. **212, S.**, and
 No. **348, S.**,
 Passage.

E. F. KILEEN,
 Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,
 Jt. Res. No. 9, A.

And has passed, and asks concurrence in,
 No. **154, A.**,
 No. **172, A.**,
 No. **182, A.**,
 No. **350, A.**

And has concurred in
 No. **381, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 9, A. To committee on Judiciary.

No. **154, A.** To committee on Corporations.

No. **172, A.** To special committee on Corporations.

No. **182, A.** To committee on State Affairs.

No. **350, A.** To committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Jt. Res. No. 26, S.,

No. **129, S.,**

No. **195, S.,** and

No. **338, S.,**

Were each severally ordered engrossed and read a third time.

No. **175, S.**

Substitute amendment No. 1, S., adopted.

No. **175, S.,** as amended,

Was ordered engrossed and read a third time.

No. **337, S.**

Amendment No. 1, S., adopted.

No. **337, S.,** as amended,

Was ordered engrossed and read a third time.

Upon motion of Senator Culbertson,

No. **260, S.,** and

No. **261, S.,**

Were laid over until Tuesday, March 11, 1913.

No. **116, S.,**

No. **122, S.,**

No. **222, S.,** and

No. **351, S.,**

Were each severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

No. **28, A.**

Upon motion of Senator Bishop,

Laid over until Tuesday, March 11, 1913.

No. **69, A.,**

Was ordered to a third reading.

No. **189, A.**

Upon motion of Senator Husting,

Laid over until Tuesday, March 11, 1913.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **7, S.**,

No. **56, S.**,

No. **67, A.**, and

No. **115, S.**,

Upon motion of Senator Culbertson,

Laid over until Tuesday, March 11, 1913.

No. **96, S.**,

No. **106, S.**, and

No. **117, S.**,

Were each severally read a third time, and passed.

No. **306, S.**

Senator Teasdale, with unanimous consent, offered amendment

No. 2, S.

No. **306, S.**, and pending amendment.

Upon motion of Senator Teasdale,

Laid over until Tuesday, March 11, 1913.

RECESS.

Upon motion of Senator Husting,

The senate took a recess until 11:30 o'clock a. m.

BILLS FOR REVISION.

The committee on Judiciary filed two bills for revision at the chief clerk's desk.

11:30 O'CLOCK, A. M.

The senate was called to order by the president pro tempore.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **469, A.**

21—S. J.

And has directed the return of
Jt. Res. No. 27, A., as per request.

ASSEMBLY MESSAGE CONSIDERED.

No. **469, A.**,

Was read first time.

Upon motion of Senator Husting,

All rules interfering, were suspended by unanimous consent, and

No. **469, A.**,

Was placed upon its final concurrence at this time.

No. **469, A.**,

Was read a third time, and concurred in.

Upon motion of Senator Husting,

All rules interfering, were suspended by unanimous consent, and

No. **469, A.**,

Was ordered messaged to the assembly at once.

Jt. Res. No. 27, A.,

Upon motion of Senator Husting,

The vote by which Jt. Res. No. 27, A., was concurred in, was
reconsidered.

Senator Husting offered the following amendment:

Amendment No. 1, S., to Jt. Res. No. 27, A.

Amend the printed resolution by striking out the word "two"
where it occurs in line 12 and inserting in lieu thereof the word
"three".

Which amendment was adopted.

Jt. Res. No. 27, A., as amended,

Was concurred in.

ADJOURNMENT.

Upon motion of Senator Biehler,

The senate adjourned until Monday, March 10, 1913, at 9:00
o'clock p. m.

CLERKS REPORT.

The Chief Clerk records:

No. **175, S** and

No. **337, S.**

Correctly engrossed.

MONDAY, MARCH 10, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. W. Blakeman, University Pastor of the Methodist Episcopal Church, Madison, Wisconsin.

The roll was called and the following senators answered to their names:

Senators Ackley, Bishop, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Martin H. C., Randolph, Snover, Stevens, Teasdale, True, White, and Zophy—17.

Absent—Senators Albers, Bichler, Burke, Hoyt, Martin A. E., Richards, Scott, and Tomkins—8.

Absent with leave—Senators Bosshard, Linley, Monk, Perry, Skogmo, Weigle, and Weissleder—7.

The journal of Friday, March 7, 1913, was approved.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 419 and 420.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **394, S.** (Revision No. 367). By Senator Zophy. To committee on State Affairs.

No. **395, S.** (Revision No. 419). By Committee on Judiciary. To committee on Judiciary.

No. **396, S.** (Revision No. 420). By Committee on Judiciary. To committee on Judiciary

PETITIONS.

Pet. No. 105, S.	By Senator Husting.	To committee on State Affairs.
Pet. No. 106, S.	By Senator Husting.	To committee on State Affairs.
Pet. No. 107, S.	By Senator Husting.	To committee on State Affairs.
Pet. No. 108, S.	By Senator Husting.	To committee on State Affairs.
Pet. No. 109, S.	By Senator Husting.	To committee on State Affairs.
Pet. No. 110, S.	By Senator Stevens.	To committee on Judiciary.
Pet. No. 111, S.	By Senator Stevens.	To committee on State Affairs.
Pet. No. 112, S.	By Senator Stevens.	To committee on State Affairs.
Pet. No. 113, S.	By Senator Bishop.	To committee on State Affairs.
Pet. No. 114, S.	By Senator Snover.	To committee on State Affairs.
Pet. No. 115, S.	By Senator Snover.	To committee on State Affairs.
Pet. No. 116, S.	By Senator Snover.	To committee on State Affairs.
Pet. No. 117, S.	By Senator Bishop.	To committee on State Affairs.
Pet. No. 118, S.	By Senator Bishop.	To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 42, A.

And has passed, and asks concurrence in,

No. **21, A.**,

No. **449, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 42, A.,

Was concurred in.

No. **21, A.** To calendar.

No. **449, A.** To committee on Corporations.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **39, S.**,

No. **40, S.**,

No. **93, S.**,

No. **173, S.**,

No. **283, S.**,

No. **313, S.**, and

No. **334, S.**,

Were each severally ordered engrossed and read a third time.

No. **75, S.**

Amendment No. 1, S., to amendment No. 1, S., was refused adoption.

Amendment No. 1, S., adopted.

No. **75, S.**, as amended,

Was ordered engrossed and read a third time.

No. **138, S.**, and

No. **281, S.**,

Were severally indefinitely postponed.

No. **223, S.**,

Upon motion of Senator Ackley,

Laid over until Wednesday, March 12, 1913.

No. **358, S.**,

Upon motion of Senator Cunningham,

Laid over until Wednesday, March 12, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED TO A
THIRD READING.

No. **96, A.**

Amendment No. 1, S.; adopted.

No. **96, A.**, as amended,

Was ordered to a third reading.

No. **97, A.**

Amendment No. 1, S., adopted.

Senator White, for the committee on State Affairs, offered amendment No. 2, S., which amendment was adopted.

No. **97, A.**, as amended,

Was ordered to a third reading.

No. **111, A.**, and
No. **318, A.**,

Were each severally ordered to a third reading.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **20, A.**, and
No. **31, A.**,

Laid over until Wednesday, March 12, 1913, by unanimous consent.

No. **33, S.**,

Upon motion of Senator Teasdale,

Laid over until Wednesday, March 12, 1913.

ADJOURNMENT.

Upon motion of Senator Ackley,
The senate adjourned.

CLERK'S REPORT.

The chief clerk reports:

No. **1, S.**,

Correctly enrolled, and

No. **160, S.**,

Correctly engrossed.

TUESDAY, MARCH 11, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. W. Blakeman.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Absent—Senators Burke, Hoyt, and Richards—3.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,
Leave of absence was granted to Senator Richards for this session.

Upon request of Senator Ackley,
Leave of absence was granted to all absentees for this session.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Snover,
The vote by which No. 97, A., was ordered to a third reading was reconsidered.

Senator Snover offered amendment No. 3, S.,
Which amendment was adopted.

Upon motion of Senator White,
No. 97, A., and pending amendments,
Were laid over until Thursday, March 13, 1913.

PETITIONS.

- Pet. No. 119, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 120, S. By Senator Albers. To committee on State Affairs.
- Pet. No. 121, S. By Senator Albers. To committee on State Affairs.
- Pet. No. 122, S. By Senator Albers. To committee on State Affairs.
- Pet. No. 123, S. By Senator Albers. To committee on State Affairs.
- Pet. No. 124, S. By Senator Kellogg. To committee on State Affairs.
- Pet. No. 125, S. By Senator Kellogg. To committee on Education and Public Welfare.
- Pet. No. 126, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 127, S. By Senator Monk. To committee on Education and Public Welfare.
- Pet. No. 128, S. By Senator True. To committee on State Affairs.
- Pet. No. 129, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 130, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 131, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 132, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 133, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 134, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 135, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 136, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 137, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 138, S. By Senator Bichler. To committee on Judiciary.

- Pet. No. 139, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 140, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 141, S. By Senator Linley. To committee on Education and Public Welfare.
- Pet. No. 142, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 143, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 144, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 145, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 146, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 147, S. By Senator Bosshard. To committee on Education and Public Welfare.
- Pet. No. 148, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 149, S. By Senator Bosshard. To committee on Corporations.
- Pet. No. 150, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 151, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 152, S. By Senator Zophy. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

MARCH 11th, 1913.

CHIEF CLERK,
Madison, Wis.

Dear Sir: In compliance with provisions of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and subject of Legislation.

W. F. Adams, 102 Wisconsin St., Milwaukee, representing Wisconsin Electrical Assn., George Allison, Secy., Stephenson Bldg., Milwaukee, upon No. **314, A.**, and No. **226, A.**

William R. Curkeet, Atty., 1 W. Main St., Madison, representing Wisconsin State Osteopathic Assn., Dr. Frank Wright, Pres., Fond du Lac, upon all legislation affecting the medical profession and the art of healing.

F. S. Hunt, Pres., 275—33d St., Milwaukee, representing Milwaukee Dustless Brush Co., upon No. **419, A.**

C. M. Hill, 221 So. Mills St., Madison, representing Charles Hildreth, Madison, R. F. D., upon No. **618, A.**

Fred Cooper, Waterford, Wis., representing Village of Waterford, upon No. **51, A.**

Albert Healer, 429 Plymouth Bldg., Minneapolis, Minn., representing Cranberry Lake Land Co., Cranberry Lake Development Co., upon legislation affecting waterpowers and dams.

Charles Hildreth, Madison, Wis., R. D. No. 4, representing himself upon No. **618, A.**

J. F. Hackbarth, Oshkosh, Wis., representing himself upon excise and fees.

Fred Meyer, Oshkosh, Wis., representing himself upon excise and fees.

W. T. McFetridge, McFarland, Wis., representing Chas. Hildreth, Madison, R. D. No. 4, upon No. **618, A.**

Edward Malone, Waterford, Wis., representing Village of Waterford, upon No. **51, A.**

A. Parkinson, McFarland, Wis., representing Chas. Hildreth, Madison, R. D. No. 4, upon No. **618, A.**

John Reed, McFarland, Wis., representing Chas. Hildreth, Madison, R. D. No. 4, upon No. **618, A.**

A. S. Titus, Waterford, Wis., representing Village of Waterford, upon No. **51, A.**

Wm. Wichmann, Oshkosh, Wis., representing himself, upon excise and fees.

MADISON, March 10, 1913.

Hon. F. M. WYLIE,
Chief Clerk of Senate,
Madison, Wis.

Dear Mr. Wylie. I beg leave to advise that I have this day contracted for one carload of Roxo Mineral water from Waukesha, to be delivered not later than Thursday, March 13th. This is in compliance with the resolution adopted by your body a few days ago.

I have also ordered sufficient sanitary drinking cups for the use

of the senate and assembly in compliance with resolution adopted by the assembly, the senate concurring, March 6th.

Yours very truly,
WILLIAM L. ESSMANN,
Superintendent of Public Property.

MESSAGE FROM THE ASSEMBLY

By C. E. SHAFFER chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in Amendment No. 1, S., to Jt. Res. No. 27, A.,

And has adopted, and asks concurrence in,
Jt. Res. No. 45, A.,

Has concurred in
Jt. Res. No. 33, S.,

And has passed, and asks concurrence in,

No. **225, A.**,

No. **295, A.**,

No. **333, A.**,

No. **366, A.**,

No. **371, A.**,

No. **376, A.**,

No. **400, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time, and referred.

Jt. Res. No. 45, A.,

Was concurred in.

No. 225, A. To committee on State Affairs.

No. 295, A. To committee on Education and Public Welfare.

No. 333, A. To committee on State Affairs.

No. 366, A. To committee on State Affairs.

No. 371, A. To committee on Education and Public Welfare.

No. 376, A. To committee on Education and Public Welfare.

No. 400, A. To committee on Education and Public Welfare.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **212, S.**, and

No. **348, S.**,

Were each severally ordered engrossed and read a third time.

No. **219, S.**

Substitute amendment No. 1, S., adopted.

No. **219, S.**, as amended,

Ordered engrossed and read a third time.

No. **20, S.**,

No. **196, S.**,

No. **200, S.**,

No. **252, S.**,

No. **254, S.**,

No. **260, S.**,

No. **261, S.**, and

No. **266, S.**,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

No. **28, A.**, and

No. **189, A.**,

Were each severally ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **56, S.**,

No. **115, S.**,

No. **175, S.**,

No. **337, S.**, and

No. **338, S.**,

Were each severally read a third time, and passed.

No. **7, S.**,

A bill to repeal section 1494f, subsection 33 of section 170, and section 4605a of the statutes, and to create sections 1494f and 172-73 of the statutes, relating to the inspection of apiaries, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 26; noes, 3; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—26.

Noes—Senators Albers, Bishop, and Snover—3.

Absent or not voting—Senators Burke, Hoyt, and Richards—3.

And so the bill was passed.

No. 129, S.,

A bill to amend section 1040 of the statutes, relating to personal property,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes 23; noes, 6; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—23.

Noes—Senators Albers, Bichler, Bishop, Hustung, Perry, and Randolph—6.

Absent or not voting—Senators Burke, Hoyt, and Richards—3.

And so the bill was passed.

No. 195, S.

A bill to authorize and empower the state treasurer and attorney general of Wisconsin in their discretion to waive the penalty in relation to the tax levied and assessed upon the Grand Trunk Milwaukee Car Ferry Company for the year 1909 upon payment of the principal of the tax.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 29; noes, none; absent or not voting, 3, as follows:

Ayes, Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Noes—none.

Absent or not voting—Senators Burke, Hoyt and Richards—3.

And so the bill was passed.

No. 306, S.

Amendment No. 2, S.

Senator Teasdale, with unanimous consent, offered amendment No. 1, S., to amendment No. 2, S.

Upon motion of Senator Teasdale,

No. 306, S., and pending amendments,

Were re-referred to the committee on Judiciary.

Jt. Res. No. 26, S.,

Was read a third time, and adopted.

No. 67, A.,

A bill to authorize the commissioners of the public lands to sell to the town board of Alvin, Forest county, forty acres of state land.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 29; noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Burke, Hoyt, and Richards—3.
And so the bill was concurred in.

No. 69, A.,

A bill to amend sections 604d and 604f of the statutes relative to state aid for the maintenance of insane, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 27; noes, 2; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—27.

Noes—Senators Perry and Teasdale—2.

Absent or not voting—Senators Burke, Hoyt, and Richards—3.

And so the bill was concurred in.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

MOTIONS.

Upon motion of Senator White,
The vote by which No. **283, S.**, was ordered engrossed and
read a third time, was reconsidered.

Upon motion of Senator White,

No. **283, S.**,

was rereferred to the committee on State Affairs.

Upon motion of Senator Weigle,

No. **324, S.**,

was recalled from the committee on Corporations and withdrawn.

PETITIONS.

- | | | |
|------------------|---------------------|---|
| Pet. No. 153, S. | By Senator Linley. | To committee on State Affairs. |
| Pet. No. 154, S. | By Senator Linley. | To committee on State Affairs. |
| Pet. No. 155, S. | By Senator Perry. | To committee on Education and Public Welfare. |
| Pet. No. 156, S. | By Senator Weigle. | To committee on State Affairs. |
| Pet. No. 157, S. | By Senator Weigle. | To committee on State Affairs. |
| Pet. No. 158, S. | By Senator Weigle. | To committee on State Affairs. |
| Pet. No. 159, S. | By Senator Weigle. | To committee on State Affairs. |
| Pet. No. 160, S. | By Senator Stevens. | To committee on State Affairs. |
| Pet. No. 161, S. | By Senator Stevens. | To committee on State Affairs. |
| Pet. No. 162, S. | By Senator Stevens. | To committee on State Affairs. |
| Pet. No. 163, S. | By Senator Stevens. | To committee on State Affairs. |

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **363, A.**,

Concurrence.

No. **43, S.**,

Passage.

No. **318, S.**, and

No. **345, S.**,

Indefinite postponement.

OTTO BOSSHARD,
Chairman.

Upon request of Senator Weigle,
All rules interfering, were suspended with unanimous consent,
and

No. **363, A.**, was placed upon its final concurrence at this
time.

No. **363, A.**,

Was read a third time, and concurred in.

ADJOURNMENT.

Upon motion of Senator Husting,
The senate adjourned.

BILLS FOR REVISION.

Senator Huber filed one bill for revision at the chief clerk's
desk.

CLERK'S REPORT.

The chief clerk records:

No. **75, S.**, and

No. **219, S.**,

Correctly engrossed.

WEDNESDAY, MARCH 12, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. W. Blakeman.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Absent—Senators Burke and Hoyt—2.

The journal of yesterday was approved.

BILLS INTRODUCED.

Read first time and referred.

No. **397, S.** (Revision No. 142). By Senator Hoyt. To committee on Education and Public Welfare.

PETITIONS.

Pet. No. 164, S. By Senator Snover. To committee on State Affairs.

Pet. No. 165, S. By Senator Albers. To committee on State Affairs.

Pet. No. 166, S. By Senator Albers. To committee on State Affairs.

Pet. No. 167, S. By Senator Albers. To committee on State Affairs.

- Pet. No. 168, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 169, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 170, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 171, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 172, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 173, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 174, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 175, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 176, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 177, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 178, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 179, S. By Senator Tomkins. To committee on State Affairs.
- Pet. No. 180, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 181, S. By Senator Culbertson. To committee on Education and Public Welfare.
- Pet. No. 182, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 183, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 184, S. By Senator A. E. Martin. To committee on State Affairs.
- Pet. No. 185, S. By Senator A. E. Martin. To committee on State Affairs.
- Pet. No. 186, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 187, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 188, S. By Senator Scott. To committee on State Affairs.

- Pet. **No. 189, S.** By Senator Scott. To committee on Education and Public Welfare.
- Pet. **No. 190, S.** By Senator Scott. To committee on State Affairs.
- Pet. **No. 191, S.** By Senator Culbertson. To committee on Education and Public Welfare.
- Pet. **No. 192, S.** By Senator Linley. To committee on State Affairs.

COMMUNICATION TO THE SENATE.

MARCH 12, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of joint resolution No. 5, S., I am transmitting herewith list of those registered as legislative agents or counsel since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

W. H. Churchill, 686 Farwell Ave., Milwaukee, representing Gunz, Wussow & Gulknecht, Milwaukee, Wis., upon No. **123, S.**

Elmore T. Elver, Atty., Madison, Wis., representing Chas. G. Riley and John Icke, of Madison, upon Dock Line.

A. B. Goodrick, Atty., Antigo, Wis., representing Wisconsin Chiropractic Assn., Paul von der Schiffe, Pres., Antigo, Wis., upon No. **424, A.**

Casimir Gonski, 486 Mitchell St., Milwaukee, Wis., representing Skarb Sobieski Building and Loan Association, and Skarb Pulaski Building and Loan Association, upon bills relating to the Remission of Fines.

Allen T. Pray, Ashland, Wis., representing Gurney Lumber Co., Gurney, Wis., upon No. **488, A.**

Geo. W. Wing, Kewaunee, Wis., representing City of Kewaunee, upon all matters pertaining to the Educational Interests of the City of Kewaunee.

J. A. Walsh, Crandon, Wis., representing Forest County, upon all matters affecting Forest County.

Albert Burrell, Stoughton, Wis., representing Mandt Wagon Co., Stoughton, Wis., upon bill affecting Farm Implements.

James T. Bannen, 1015 Railway Exch., Milwaukee, representing himself upon Municipal Legislation.

J. W. Barber, Secy. and Asst. General Manager, Milwaukee, representing Milwaukee Western Elect. Ry. Co., Majestic Bldg., Milwaukee, upon Railroad Legislation.

Chas. A. Coon, Milwaukee, Wis., representing himself upon bills relating to House of Correction.

Kit Carson, 714 Majestic Bldg., Milwaukee, representing Milwaukee Western Electric Ry. Co., Milwaukee, upon subsidy bill.

Theodor J. Draeger, Laona, Wis., representing Forest county, upon all matters regarding Forest county.

J. J. De Fer, Saxon, Wis., representing himself upon town division in Iron county.

H. Clay Evenson, 500 Main St., La Crosse, representing Association of Optometrists, upon optometry regulation.

Theo. C. Froemming, 1288 Humboldt Ave., Milwaukee, representing himself upon municipal legislation.

R. H. Gomez, 831 13th ave., Mil., representing himself upon Municipal Legislation.

A. Holmes, Secretary, Fort Atkinson, Wis., representing Northwestern Mfg. Co., Fort Atkinson, Wis., upon Farm Implements.

W. W. Huxtable, Secy. & Mgr., Edgerton, Wis., representing Edgerton Wagon Co., Edgerton, Wis., upon Farm Implements.

Philip Hintze, Madison, Wis., representing Chas. Hildreth, McFarland, Wis., upon Dock Line.

Geo. Krogstad, 489 11th Ave., Milwaukee, representing himself upon Trade Schools.

A. A. Lueck, Antigo, Wis., representing Wis. Association of Optometrists, upon All Legislation affecting Optometry.

H. McEwan, Fond du Lac, Wis., representing Wis. Association of Optometrists, upon all Legislation affecting Optometry.

M. D. Munger, Green Bay, Wis., representing Order of Railway Conductors, upon all Legislation covering Railway Employes.

Joseph H. Scholler, Vice Pres., Janesville, Wis., representing Wisconsin Association of Optometrists, Milwaukee, upon all Legislation affecting Optometry.

Jos. H. Schaefer, Pres't, Milwaukee, Wis., representing Wisconsin Association of Optometrists, upon all Legislation affecting Optometry.

P. Scholler, Hancock, Mich., representing Wisconsin Association of Optometrists, upon all Legislation affecting Optometry.

D. M. Sneddon, 739 Kinnickinnic Ave., Milwaukee, representing himself upon Municipal Legislation.

Mrs. Therese Seidl, 507 -12th St., Milwaukee, representing herself upon No. **797, A.**

Agnes Streiff, 351-1st Ave., Milwaukee, representing herself upon No. **797, A.**

Mrs. Maude Tibbits, 713 Grand Ave., Milwaukee, representing herself upon No. **797, A.**

E. W. VanDyke, 415 Camp Bldg., Milwaukee, representing Private Employment Agencies of Milwaukee, Female agencies only, Mrs. Maude Tibbits, Milwaukee, upon No. **797, A., No. 875, A.**

E. R. Waggoner, Pres't, Oshkosh, Wis., representing Wis. Municipal Contractors' Association, upon Municipal Legislation.

Chas. D. Waugh, 320 Grand Ave., Milwaukee, representing Wis. Assn. of Optometrists, upon Optometry Legislation.

J. M. Whisnant, Crandon, Wis., representing Forest County, upon **all** matters affecting Forest County.

C. G. Warnick, Crandon, Wis., representing Forest County, upon **all** matters affecting Forest County.

J. S. Konkell, mayor, Superior, Wis., representing city of Superior, upon legislation affecting municipalities.

COMMITTEE REPORT.

The Committee on State Affairs report and recommend:

No. **52, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **108, S.**,

Adoption of amendment No. 1, S., and passage, Senator Culbertson dissenting.

No. **170, S.**,

No. **188, S.**,

No. **227, S.**, and

No. **336, S.**,

Passage.

No. **60, S.**, and

No. **231, S.**,

Indefinite postponement.

No. **354, S.**,

Indefinite postponement, Senator Cunningham dissenting.

No. **22, A.**,

No. **89, A.**, and

No. **161, A.**,

Concurrence.

M. F. WHITE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By **C. E. SHAFFER**, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 46, A.

And has concurred in-

No. **65, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 46, A.,

Was concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSS-
MENT.No. **223, S.**, andNo. **358, S.**,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD
READING.No. **21, A.**,

Was ordered to third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READ-
ING.No. **33, S.**,No. **39, S.**,No. **40, S.**,No. **93, S.**,No. **173, S.**,No. **313, S.**, andNo. **334, S.**,

Were each severally read a third time and passed.

No. **160, S.**,A bill to amend subsection 2 of section 26 of the statutes, re-
lating to registration of voters,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 19;
noes, 10; absent or not voting, 3, as follows:Ayes—Senators Ackley, Bichler, Bishop, Cunningham, Glenn,
Husting, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards,
Scott, Snover, Stevens, Tomkins, Weigle, Weissleder, and White
—19.Noes—Senators Bosshard, Culbertson, Huber, Martin H. C.,
Monk, Randolph, Skogmo, Teasdale, True, and Zophy—10.

Absent or not voting—Senators Albers, Burke and Hoyt—3.

And so the bill was passed.

No. **160, S.**

Upon request of Senator Cunningham,

All rules interfering, were suspended by unanimous consent, and

No. **160, S.**,

Was ordered messaged to the assembly at once.

No. **20, A.**,A bill to appropriate to the Wisconsin memorial park commis-
sion a sum of money therein named,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 30; noes, none; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Noes—None.

Absent or not voting—Senators Burke and Hoyt—2.

And so the bill was concurred in.

No. 31, A.,

A bill to appropriate to E. A. Cleasby a specified sum of money for unpaid salary and expenses as deputy fish and game warden, **Was** read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 24; noes, 6; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—24.

Noes—Senators Albers, Bishop, Kileen, Perry, Snover, and Teasdale—6.

Absent or not voting—Senators Burke and Hoyt—2.

And so the bill was concurred in.

No. 96, A.,

Was read a third time, and concurred in.

No. 111, A.,

A bill to appropriate to the county of Milwaukee, in Wisconsin, the sum of nine hundred and eighty dollars erroneously paid to the state on account of forfeited bail,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 30; noes, none; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Noes—None.

Absent or not voting—Senators Burke and Hoyt—2.

And so the bill was concurred in.

No. 318, A.

A bill to appropriate the sum of two thousand dollars to complete erection of memorials in the National Military Park at Ticksburg.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes 30; noes none; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Noes, None.

Absent or not voting—Senators Burke and Hoyt—2.

And so the bill was concurred in.

The president appointed as the members of the committee under Jt. Res. No. 27, A., on the part of the senate, Senators Bishop, Perry and Randolph.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

MOTIONS.

Senator Bichler moved that No. **245, S.**, be recalled from the committee on Corporation,

Which motion prevailed.

Senator Bichler offered a substitute amendment to the bill. The president stated that the amendment could not be received until the bill was returned from the committee and on the clerk's desk, saying: "It is a dangerous practice to endeavor to act upon papers when they are not in the possession of the senate and on the clerk's desk, and it will be the rule of the chair that this senate cannot act upon papers unless they are on the clerk's desk."

The bill was returned to the clerk's desk by the committee.

Senator Bichler offered substitute amendment No. 1, S., to No. **245, S.**

Upon motion of Senator Bichler,
No. 245, S., and pending amendment,
Was re-referred to the committee on Corporations.

PETITIONS.

- Pet. No. 193, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 194, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 195, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 196, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 197, S. By Senator Burke. To committee on Education and Public Welfare.
- Pet. No. 198, S. By Senator Ackley. To committee on Education and Public Welfare.
- Pet. No. 199, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 200, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 201, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 202, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 203, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 204, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 205, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 206, S. By Senator Hoyt. To committee on State Affairs.
- Pet. No. 207, S. By Senator Hoyt. To committee on Education and Public Welfare.
- Pet. No. 208, S. By Senator Hoyt. To committee on Education and Public Welfare.
- Pet. No. 209, S. By Senator Bishop. To committee on State Affairs.

COMMITTEE REPORTS.

The committee on Corporations report and recommend

No. **293, S.**,

No. **325, S.**,

No. **327, S.**,

No. **347, S.**,

No. **357, S.**, and

Jt. Res. No. 8, S.,

Indefinite postponement.

OTTO BOSSHARD,

Chairman.

The committee on Education and Public Welfare report and recommend:

No. **82, S.**,

Adoption of amendment No. 1, S., and passage.

No. **94, S.**,

Adoption as amendment No. 1, S., and passage.

No. **199, S.**,

Passage.

HOWARD TEASDALE,

Chairman.

ADJOURNMENT.

Upon motion of Senator Bishop,

The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **381, S.**, and

Res. No. 12, S.,

Correctly enrolled at 2:45 o'clock p. m.

THURSDAY, MARCH 13, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. W. Blakeman.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—31.

Absent—Senator Snover—1.

LEAVE OF ABSENCE.

Upon request of Senator Bishop,

Leave of absence was granted to Senator Snover for this session.

The journal of yesterday was approved.

MOTIONS.

Senator White moved that the vote by which No. **33, S.**; was passed, be reconsidered.

Upon motion of Senator Randolph,

No. **33, S.**,

Was placed at the foot of the calendar.

Senator Bichler moved that No. **124, S.**, be recalled from the committee on State Affairs,

Which motion prevailed.

The bill was returned to the clerk's desk by the committee.

Senator Bichler withdrew substitute amendment No. 1, S., and offered substitute amendment No. 2, S., to No. **124, S.**

Upon motion of Senator Bichler,

No. **124, S.**,

Was re-referred to the committee on State Affairs.

RESOLUTIONS INTRODUCED.

Senator Ackley offered the following joint resolution:

WHEREAS, Bill No. **225** has been introduced in the senate, the same being a bill to extend the right of suffrage to women, and

Be it resolved by the senate, the assembly concurring, That Tuesday, March 25, 1913, be set aside for the purpose of the senate and assembly going into a committee of the whole in the assembly chamber for the purpose of discussing the merits of the proposed reference of the right of extending suffrage to women at the general election in 1914.

Senator Randolph rose to the point of order, that there is no power for a joint committee of the whole.

The president held the point well taken, and the resolution was out of order.

PETITIONS.

- Pet. No. 210, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 211, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 212, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 213, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 214, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 215, S. By Senator Randolph. To committee on Education and Public Welfare.
- Pet. No. 216, S. By Senator Hoyt. To committee on State Affairs.
- Pet. No. 217, S. By Senator Hoyt. To committee on State Affairs.
- Pet. No. 218, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 219, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 220, S. By Senator Huber. To committee on State Affairs.

COMMUNICATION TO THE SENATE.

MARCH 13, 1913.

CHIEF CLERK,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative agents or counsel since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Walter H. Bender, 1238 Wells Bldg., Milwaukee, representing Pensioners under Milwaukee Policemen's Pension Act, upon No. **536, A.**

C. B. Culbertson, Stanley, Wis., representing Wisconsin Woodmen Assembly, upon Fraternal Insurance.

Frank M. Hoyt, Milwaukee, Wis., representing Wisconsin Contractors' Assn., Milwaukee, Wis., upon Municipal Contracts, and Barber Asphalt Paving Co., Philadelphia, Pa., upon Municipal Contracts.

R. N. Nelson, Dist. Atty., Madison, Wis., representing Dane County, upon No. **460, A.**

Charles H. Phillips, Prest., 296 W. Water St., Milwaukee, representing Motion Picture Exhibitors' League of Wisconsin, upon Legislation affecting Motion Pictures.

Joseph T. Sims, Atty. at Law, Crandon, Wis., representing Forest County, upon Matters Pertaining to Forest County.

Jno. H. Brown, President, 463 Jefferson St., Milwaukee, representing Wisconsin Association of Public Accountants, upon No. **755, A.**

Gladstone Cherry, 633 Wells Bldg., Milwaukee, representing Wisconsin Association of Public Accountants, upon No. **755, A.**

A. D. Campbell, Maryland Hotel, Milwaukee, representing Wisconsin Advancement Assn., M. J. Walbrich, President, Shawano, Wis., upon Immigration and Roads.

H. Christman, Menomonee Falls, Wis., representing Society of Equity, Madison, Wisconsin, upon Co-operation, Rural Schools.

C. N. Duffy, 535 Prospect Ave., Milwaukee, representing himself, also Marquette University, Milwaukee, upon No. **755, A.**

Christopher Ennis, 1512 Hadley St., Milwaukee, representing himself upon No. **536, A.**

Wm. M. Foster, 755 Racine St., Milwaukee, representing himself and Court Reporters of Milwaukee County, upon municipal legislation.

Ben. V. Faast, Eau Claire, Wis., representing himself upon immigration and roads.

G. J. Green, 319—21st Ave., Milwaukee, representing himself upon No. **586, A.**

John M. Galloway, 2521 Sycamore St., Milwaukee, representing himself upon No. **586, A.**

J. D. Grandine, North Crandon, Wis., representing himself and other taxpayers, upon No. **314, S.**

Percy L. Jones, 615—11th St., Milwaukee, representing Moving Picture Operators' Union, No. 164, I. A. T. S. E., room 214, Alhambra Bldg., Milwaukee, upon No. **495, A.**

And. C. Johnson, 469—14th Ave., Milwaukee, representing himself upon No. **586, A.**

Wm. Kelly, 382 Summit Ave., Milwaukee, representing himself upon No. **586, A.**

Geo. N. Lowe, 1133½ So. Pierce St., Milwaukee, representing Nordberg Mfg. Co., Milwaukee, Wis., upon No. **755, A.**

E. J. Martel, room 40, New Ins. Bldg., Milwaukee, Wis., representing Milwaukee Ass'n Accountants and Bookkeepers, P. O. box 979, Milwaukee, upon No. **755, A.**

W. V. Pierstorff, Middleton, Wis., representing Wis. Retail Lumber Dealers' Assn., Frank Boden, Horicon, President, upon Lien Laws, also Dane County on Tax Laws.

Jno. F. Reilly, 909 Railway Exch. Bldg., Milwaukee, representing Wisconsin Association of Public Accountants, upon No. **755, A.**

L. L. Rogers, Chn. Legislative Board, 177—14th St., Flat 2, Milwaukee, representing Brotherhood Railway Trainmen, upon Matters affecting Railway Employes.

C. A. Seifert, 424 West Wilson St., Madison, representing himself upon No. **755, A.**

Henry Schneider, 612 Railway Exch. Bldg., Milw., representing Wisconsin Association of Public Accountants, upon No. **755, A.**

R. A. Smith, 700—9th St., Milwaukee, representing Moving Picture Operators' Union, No. 164, I. A. T. S. E., room 214, Alh. Bldg., Milwaukee, upon No. **495, A.**

John B. Tanner, 600 S. Brearly St., Madison, representing himself upon No. **755, A.**, and No. **244, S.**

A. F. Testal, Stoughton, Wis., representing himself upon No. **740, A.**

Samuel S. Weil, Secretary, 612 Ry. Exch. Bldg., Milw., representing Wisconsin Association of Public Accountants upon No. **755, A.**

E. W. Walker, Supt. Wis. School for Deaf, Delavan, Wis., representing Board of Control, State School for the deaf, Delavan, Wis., upon legislation pertaining to charitable and penal institutions, education of deaf, particularly.

Fred Brockhauser, 446—3d Ave., Milwaukee, representing himself upon No. **210, S.**

COMMITTEE REPORT.

The committee on Judiciary report and recommend:

No. **26, S.**,
 No. **374, S.**,
 No. **375, S.**,
 No. **376, S.**,
 No. **377, S.**, and
 No. **378, S.**,
 Passage.

E. F. KILEEN,
 Chairman.

The joint committee on Finance report and recommend:

No. **11, S.**,
 Amendment No. 1, S., and passage.

G. E. SCOTT,
 Chairman of Senate Committee.
 R. J. NYE,
 Chairman of Assembly Committee.

The committee on State Affairs report and recommend:

No. **133, S.**,
 Adoption of substitute amendment No. 1, S., and passage.
 No. **147, S.**,
 Indefinite postponement, Senator Bishop dissenting.
 No. **283, S.**,
 Adoption of substitute amendment No. 1, S., and passage.
 No. **361, S.**,
 Adoption of amendment No. 1, S., and passage.
 No. **159, S.**,
 No. **363, S.**, and
 No. **380, S.**,
 Passage.
 No. **392, S.**,
 Indefinite postponement.

M. F. WHITE,
 Chairman.

BILLS AND RESOLUTIONS READY FOR
ENGROSSMENT.

No. **43, S.**
 Senator White offered amendment No. 1, S.,
 Which amendment was adopted.
 No. **43, S.**, as amended,
 Was ordered engrossed and read a third time.

No. **318, S.**, and

No. **345, S.**,

Upon motion of Senator Zophy,

Laid over until Thursday, March 20, 1913.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

No. **97, A.**

Senator Cunningham offered amendment No. 4, S.,

Which amendment was adopted.

No. **97, A.**, as amended,

Was ordered to a third reading.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **75, S.**,

No. **212, S.**,

No. **219, S.**, and

No. **348, S.**,

Were each severally read a third time, and passed.

No. **28, A.**

A bill to appropriate to Charles P. Wallig, county treasurer of the county of Kenosha, a sum of money therein named,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 31; noes, none; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—31.

Noes—None.

Absent or not voting—Senator Snover—1.

And so the bill was concurred in.

No. **189, A.**,

A bill to appropriate a sum of money therein named to Andrew Hope,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, 9; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Glenn, Hoyt, Huber, Hustung, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—22.

Noes—Senators Albers, Bichler, Bishop, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., and Perry—9.

Absent or not voting—Senator Snover—1.

And so the bill was concurred in.

No. **33, S.**,

A **bill** to create section 1557f of the statutes, relating to the sale of **in**toxicating liquors, and providing a penalty therefor.

The **qu**estion was, "Shall the vote by which the bill was passed be **reconsidered**?"

While Senator Burke was endeavoring to secure recognition, the **president** announced that the **noes** have it.

Senator Burke then asked for the yeas and nays.

Senator Randolph rose to a point of order that the vote was **announced**. The president stated that books on his desk obstructed his **view** of Senator Burke, and requested that the senate permit him **to** entertain the request for the yeas and nays. There being **no** objection, the request was entertained.

The **ayes** and **noes** were demanded, and the vote was: Ayes, 14; **noes**, 16; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Burke, Cunningham, Huber, Hustling, Kellogg, Perry, Richards, Stevens, Tomkins, Weissleder, and White—14.

Noes—Senators Bosshard, Culbertson, Glenn, Hoyt, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, True, Weigle, and Zophy—16.

Absent or not voting—Senators Albers and Snover—2.

And so the senate refused to reconsider the vote.

RECESS.

Upon motion of Senator Skogmo,
The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

The **chief** committee on Judiciary filed one bill for revision at the clerk's desk.

CLERK'S REPORT.

The **chief** clerk records:
No. **43, S.**,
Correctly engrossed.

23—S. J.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 421 and 422, S.,

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **398, S.** (Revision No. 421). By Committee on Finance.
To committee on Finance.

No. **399, S.** (Revision No. 422). By Committee on Judiciary.
To committee on Judiciary.

PETITIONS.

Pet. No. 222, S. By Senator Tomkins. To committee on State Affairs.

Pet. No. 223, S. By Senator Tomkins. To committee on State Affairs.

Pet. No. 224, S. By Senator Ackley. To committee on Education and Public Welfare.

Pet. No. 225, S. By Senator Ackley. To committee on State Affairs

Pet. No. 226, S. By Senator Ackley. To committee on State Affairs.

COMMITTEE REPORTS.

The special committee on Conservation report and recommend:
No. **384, S.**,

Re-reference to committee on Finance.

PAUL HUSTING,
Chairman.

No. **384, S.**,
Was referred to committee on Finance.

The committee on Corporations report and recommend:

No. **126, S.**,
Reference to special committee on Insurance.

No. **169, S.**,
Indefinite postponement.

No. **248, S.**,

Passage.

No. **368, S.**,

Adoption of amendment No. 1, S., and passage.

OTTO BOSSHARD,
Chairman.

No. **126, S.**,
Was referred to special committee on Insurance..

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **37, A.**,

No. **142, A.**,

No. **239, A.**, and

No. **248, A.**,

No. **275, A.**,

No. **432, A.**,

No. **433, A.**,

No. **440, A.**,

No. **517, A.**,

Has adopted, and asks concurrence in,
Jt. Res. No. 20, A.

And has concurred in
No. **158, S.**, and
No. **160, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **37, A.** To committee on Education and Public Welfare.

No. **142, A.** To committee on Finance.

- No. **239, A.** To committee on State Affairs.
No. **248, A.** To committee on Corporations.
No. **275, A.** To committee on State Affairs.
No. **432, A.** To committee on State Affairs.
No. **433, A.** To committee on State Affairs.
No. **440, A.** To committee on Corporations.
No. **517, A.** To calendar.
Jt. Res. No. 20, A. To committee on Judiciary.
-

Upon request of Senator Linley,

And by unanimous consent,

No. **293, S.**,

No. **347, S.**, and

No. **357, S.**,

Were taken from tomorrow's calendar, and

Laid over until Tuesday, March 18, 1913.

ADJOURNMENT.

Upon motion of Senator Teasdale,

The senate adjourned.

BILLS FOR REVISION.

The committee on State Affairs filed one bill and the committee on Corporations filed one bill for revision at the chief clerk's desk.

FRIDAY, MARCH 14, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. W. Blakeman.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, and Zophy—23.

Absent—Senators Cunningham, Kileen, Linley, Martin A. E., Richards, Snover, Weigle, Weissleder, and White—9.

LEAVE OF ABSENCE.

Upon request of Senator Skogmo,

Leave of absence was granted to Senators A. E. Martin and Weigle, until Tuesday, March 18, 1913.

Upon request of Senator Bishop,

Leave of absence was granted to Senator Snover for this session.

Upon request of Senator Ackley,

Leave of absence was granted to all absentees for this session.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Bishop,

Petition No. 221, S., was recalled from the committee on Judiciary and withdrawn, and the record of the offering of the petition was ordered stricken from the journal.

BILLS INTRODUCED.

Read first time and referred.

No. **400, S.** (Revision No. 324). By Senator Perry. To committee on Education and Public Welfare.

PETITIONS.

Pet. No. 227, S. By Senator Stevens. To committee on Judiciary.

Pet. No. 228, S. By Senator Randolph. To committee on State Affairs.

Pet. No. 229, S. By Senator Zophy. To committee on State Affairs.

Pet. No. 230, S. By Senator Husting. To committee on State Affairs.

Pet. No. 231, S. By Senator Ackley. To committee on State Affairs.

Pet. No. 232, S. By Senator Monk. To committee on State Affairs.

Pet. No. 233, S. By Senator Hoyt. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

MARCH 14, 1913.

CHIEF CLERK,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative agents or counsel since last report. .

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel: Name and Address of Employer, and Subject of Legislation.

W. A. Hayes, Counsel in Wis., 517 Wells Bldg., Milwaukee, representing M., St. P. & S. S. M. Ry. Co., upon Legislation affecting Railroads.

R. F. Kountz, Neillsville, Wis., representing City of Neillsville, upon Municipalities.

Geo. H. Noyes, Genl. Counsel, 204 Prospect St., Milwaukee, representing Northwestern Mutual Life Ins. Co., Milwaukee, upon all Legislation affecting Company.

B. M. Apker, Weyerhauser, Wis., representing himself upon bill No. **499, A.**

A. W. Anderson, Secy., Neenah, Wis., representing Wisconsin Retail Jewelers' Association, upon Fraudulent Advertising.

John E. Bjorkholm, 311—26th Ave., Milwaukee, representing Brotherhood of Locomotive Firemen and Engineers, upon No. **97, S.**

Mary J. Berry, Supt., 465 Lake Drive, Milwaukee, representing Wisconsin Industrial School for Girls, Milwaukee, upon all Matters affecting School.

H. S. Hadfield, Milwaukee, representing himself upon Hotel Legislation.

John A. Hill, Prest., 50 Reed St., Milwaukee, representing Milwaukee Cold Storage Co., upon No. **119, S.**

A. J. Hutton, Supt., Waukesha, Wis., representing Wisconsin Industrial School for Boys, Waukesha, upon No. **41, S.**

Alvin P. Kleitzsch, 3d and Cedar Sts., Milw., representing himself upon Hotel Legislation.

C. H. Kelsey, 151—13th St., Milwaukee, representing legislative committee of Merchants and Mfrs.' Ass'n, W. G. Bruce, Sec'y, Milwaukee, upon general legislation.

Mrs. J. J. Mapel, 295 Ogden Ave., Milwaukee, representing Wisconsin Industrial School for Girls, Milwaukee, upon all matters affecting school.

Wm. Schneider, Vice Pres., Johnson Creek, Wis., representing H. C. Christian Co., cold storage, upon No. **119, S.**

W. E. Wing, 39—33d St., Milwaukee, representing Brotherhood of Locomotive Firemen and Engineers, upon No. **97, S.**

Robert Wild, Camp Bldg., Milwaukee, representing German-American Alliance, Prof. Leo Stern, Pres., City Hall, Milwaukee, upon county option and woman suffrage.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **353, S.,**

Passage.

OTTO BOSSHARD,
Chairman.

The committee on Education and Public Welfare report and recommend:

No. **105, S.,**

Indefinite postponement, Senators Teasdale and Ackley dissenting.

No. **125, S.,**

Adoption of amendment No. 1, S., and passage, Senator Teasdale dissenting.

No. **210, S.,**

Indefinite postponement, Senator Perry dissenting.

No. **225, S.**,

Passage, Senators Albers and Perry dissenting.

HOWARD TEASDALE,

Chairman.

The committee on Judiciary report and recommend:

No. **62, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **194, S.**,

Adoption of amendment No. 1, S., and passage.

No. **372, S.**,

Passage.

Jt. Res. No. 30, S.,

Adoption.

No. **185, S.**, and

No. **314, S.**,

Indefinite postponement.

A. PEARCE TOMKINS,

Acting Chairman.

The joint committee on Finance report and recommend:

No. **214, S.**,

Indefinite postponement.

With request that the bill be placed on the calendar for Wednesday, March 19, 1913.

G. E. SCOTT,

Chairman, Senate Committee.

R. J. NYE,

Chairman, Assembly Committee.

No. **214, S.**,

Ordered placed on calendar for Wednesday, March 19, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Jt. Res. No. 8, S.

Upon motion of Senator Zophy,

Laid over until Thursday, March 27, 1913.

No. **52, S.**

Substitute amendment No. 1, S., adopted.

No. **52, S.**, as amended,

Was ordered engrossed and read a third time.

No. **82, S.**,

Amendment No. 1, S., adopted.

No. **82, S.**, as amended,

Was ordered engrossed and read a third time.

No. **94, S.**

No. **170, S.**

No. **227, S.,** and

No. **336, S.**

Were each severally ordered engrossed and read a third time.

No. **108, S.**

Upon motion of Senator Stevens,

Laid over until Wednesday, March 19, 1913.

No. **188, S.**

Upon motion of Senator Skogmo,

Re-referred to the committee on Judiciary.

No. **199, S.**

Upon motion of Senator Culbertson,

Laid over until Wednesday, March 19, 1913.

No. **60, S.,**

A bill to amend subsection 1, of section 1548 of the statutes, relating to the sale of intoxicating liquors.

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 14; noes, 9; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Glenn, Hoyt, Huber, Martin H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, True, and Zophy—14.

Noes—Senators Albers, Bichler, Bishop, Burke, Husting, Kellogg, Perry, Randolph, and Stevens—9.

Absent or not voting—Senators Cunningham, Kileen, Linley, Martin A. E., Richards, Snover, Weigle, Weissleder, and White—9.

And so the amendment was adopted.

No. **60, S.**

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 7; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Hoyt, Huber, Husting, Kellogg, Monk, Perry, Randolph, Skogmo, Stevens, Tomkins, and Zophy—16.

Noes—Senators Bosshard, Culbertson, Glenn, Martin H. C., Scott, Teasdale, and True—7.

Absent or not voting—Senators Cunningham, Kileen, Linley, Martin A. E., Richards, Snover, Weigle, Weissleder, and White—9.

And so the bill was indefinitely postponed.

No. **231, S.**

Upon motion of Senator Perry,

Laid over until Tuesday, March 18, 1913.

No. **325, S.**,

No. **327, S.**, and

No. **354, S.**,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

No. **22, A.**,

No. **89, A.**, and

No. **161, A.**,

Were each severally ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **21, A.**,

A bill to amend section 2 of chapter 567, laws of 1911, relating to memorial park.

Read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and Zophy—21.

Noes—None.

Absent or not voting—Senators Burke, Cunningham, Kileen, Linley, Martin A. E., Richards, Snover, Stevens, Weigle, Weissleder, and White—11.

And so the bill was concurred in.

Upon motion of Senator Randolph,

The vote by which No. **89, A.**, was ordered to a third reading was reconsidered.

No. **89, A.**

Upon motion of Senator Randolph,

Laid over until Wednesday, March 19, 1913,

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 11:45 o'clock a. m.

11:45 O'CLOCK A. M.

The senate was called to order by the president pro tempore.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has appointed as a committee on part of the assembly, under Jt. Res. No. 27, A., Messrs. Urquhart, Peavey and Stemper.

And has appointed as a committee, on part of the assembly, under Jt. Res. No. 32, S., Messrs. Chinnock, Laycock and Kneen.

And has passed, and asks concurrence in,

No. ~~441~~, A.,
No. ~~459~~, A.,
No. ~~470~~, A.,
No. ~~502~~, A.,
No. ~~503~~, A.,
No. ~~511~~, A.,
No. ~~524~~, A., and
No. ~~555~~, A.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. ~~441~~, A. To committee on Corporations.

No. ~~459~~, A. To calendar.

No. ~~470~~, A. To committee on State Affairs.

No. ~~502~~, A. To committee on Corporations.

No. ~~503~~, A. To calendar.

No. ~~511~~, A. To committee on State Affairs.

No. ~~524~~, A. To committee on Corporations.

No. ~~555~~, A. To committee on State Affairs.

ADJOURNMENT.

Upon motion of Senator Bosshard,
The senate adjourned until Monday March 17, 1913, at 9:00
o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **160, S.**,

Correctly enrolled at 9:00 o'clock a. m.

No. **168, S.**,

Correctly enrolled at 2:30 o'clock p. m.

No. **52, S.**,

No. **82, S.**, and

No. **94, S.**,

Correctly engrossed.

MONDAY, MARCH 17, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. E. L. Benson, of Pilgrim Congregational church of Madison, Wis.

The roll was called and the following senators answered to their names:

Senators Ackley, Bishop, Culbertson, Hoyt, Huber, Husting, Kellogg, Martin H. C., Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—18.

Absent—Senators Albers, Bichler, Burke, Cunningham, Glenn, Kileen, Martin A. E., Richards, and Stevens—9.

Absent with leave—Senators Bosshard, Linley, Monk, Weigle and Weissleder—5.

The journal of Friday, March 14, 1913, was approved.

MOTIONS.

Senator Skogmo moved that the vote by which No. 60, S., was indefinitely postponed, be reconsidered.

No. 60, S.,

A bill to amend subsection 1, of section 1548 of the statutes, relating to the sale of intoxicating liquors.

The question was, Shall the vote by which No. 60, S., was indefinitely postponed, be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 15; noes, 2; absent or not voting, 15, as follows:

Ayes—Senators Ackley, Bishop, Culbertson, Huber, Martin H. C., Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—15.

Noes—Senators Husting and Kellogg—2.

Absent or not voting—Senators Albers, Bichler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Kileen, Linley, Martin A. E., Monk, Richards, Stevens, Weigle, and Weissleder—15.

And so the vote was reconsidered.

No. 60, S.,

Senator Skogmo offered amendment No. 2, S.

Upon motion of Senator Skogmo,

No. 60, S., and pending amendment,

Was laid over until Wednesday, March 19, 1913.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 34, S.,

Resolved by the senate, the assembly concurring, That bill
No. 1, S., be recalled from the governor for correction.

By Senator Scott.

Adopted.

PETITIONS.

- Pet. No. 234, S. By Senator Perry. To committee on Education and Public Welfare.
- Pet. No. 235, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 236, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 237, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 238, S. By Senator Husting. To committee on State Affairs.
- Pet. No. 239, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 240, S. By Senator Snóver. To committee on State Affairs.
- Pet. No. 241, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 242, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 243, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 244, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 245, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 246, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 247, S. By Senator H. C. Martin. To committee on Education and Public Welfare.

- Pet. No. 248, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 249, S. By Senator Scott. To committee on Finance.
- Pet. No. 250, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 251, S. By Senator True. To committee on State Affairs.
- Pet. No. 252, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 253, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 254, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 255, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 256, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 257, S. By Senator Teasdale. To committee on State Affairs.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. **97, S.**,

Indefinite postponement.

No. **144, S.**,

Amendment No. 1, S, and passage.

No. **203, S.**,

Passage.

No. **249, S.**,

Amendment No. 1, S., and passage.

G. E. SCOTT,
Chairman Senate Committee.

R. J. NYE,
Chairman Assembly Committee.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,

Executive Office.

To the Honorable, the Legislature.

Gentlemen: At the opening of this session I called attention to the present widespread tendency toward a decline in rural population coincident with a rapid rise in the cost of living. The

former of these unwelcome changes has been looked upon by some as the main cause of the latter. Others consider both rather as effects of a fundamental common cause. All concede that an intimate relation exists between the two.

As to the present unmistakable drift of population from the country to the city it seems that we are but repeating over again the history of the principal nations of Europe during the last half of the nineteenth century and the more recent experience of New England and the middle states. The chief difference seems to be that while with them this change is far advanced, with us it has only just begun. Northwestern Canada now menaces us agriculturally just as we menaced Germany sixty years ago. Well therefore may we study this development, both here and abroad.

Like older communities, the farming sections of Wisconsin have recently failed to keep pace with the cities in wealth and population, because for the time being they were unable to hold their own in competition from two quite distinct sources. First was the inducement offered by the cheap but fertile lands of the western states and Canada. To the land speculator as well as the actual cultivator these great prairie farms have often proved highly profitable. But more important still was the call of organized industry in our own rapidly growing cities for the service of ambitious and capable young men and young women reared upon the farm. The result has been that the former healthy equilibrium between urban and rural life has been temporarily disturbed. That it will be restored again upon firmer foundations is a prediction justified by the history of every civilized country of modern times as well as by the newly aroused interest and present temper of our people.

The experience of these older communities teaches us also that this result, when it comes about, will follow the introduction of more intelligent and intensive methods of agriculture, the employment of more economical and up-to-date ways of buying and selling the things in which farmers deal and improvement in the social life of the country. "Better farming, better business, and better living" is the terse and expressive statement of this program of rural improvement brought to us as you know by Sir Horace Plunkett as a result of his experience in upbuilding the farming industries of Ireland.

The problem is a large and vital one. The establishment of co-operative marketing societies and the enlargement of agricultural credit along lines now familiar in almost every country of Europe are recommended in my regular message as means whereby it may be at least partially solved. One reason why farmers have fallen behind merchants and manufacturers in economic progress is that there has been little coordination of effort or concert of action among them. In the purchase of things needed on the farm country people have clung to the primitive idea of each one buying for himself, although in almost every case those who supplied them were combined into great industrial trusts. Thus farmers invariably paid top prices frequently for very inferior merchandise. In so doing however they but repeated the experience of their fellows across the sea. Sir Gilbert Parker, speaking upon this subject from the standpoint of the experience of England, has said:

"Before agricultural organizations came into existence, those parts of the United Kingdom where small holdings most abounded—Ireland and South Wales, for example—were notoriously the dumping ground for the most worthless manures and seeds that the most unscrupulous merchants could collect. Now, in Carmarthenshire, for instance, organization has secured for the articles of the highest quality a reduction of ten or fifteen per cent in the price of feeding stuffs, twenty to thirty per cent in the price of seeds, and thirty to forty per cent in the cost of artificial manures."

But the purchase of necessary supplies is not the only operation in which farmers have suffered. They have also paid heavy toll to the trusts in the sale of their products. It is no extravagance to say that farmers as a rule are not good business men. Ordinarily each one disposes separately of his own cattle, grain or potatoes as the case may be. Thus the quantity involved in each sale is necessarily small and classification as to quality for purposes of standardization is out of the question. This is but another way of saying that as a rule when the farmer needs money he throws his product upon the market at whatever price it will bring.

Here again the farmer has fallen far behind his brother producer of the city. He has neglected the commercial side of farming. Working night and day he has been successful as a pro-

ducer but through want of business management he has allowed others to pocket the profits. "Better business" is therefore his most urgent need. Like a factory, the farm should be run on sound principles of marketing. No industrial concern would last long that sold its output as farmers have long been accustomed to selling theirs—virtually to the first comer or at public auction. Here is where the principle of co-operation is likely to prove most valuable. It permits of specialization in agriculture. While the farmer is cultivating his fields or caring for his stock, the co-operative agency to which he belongs is busy grading, packing and stamping what he has to sell, making contracts for its shipment and disposition at advantageous prices, watching with experienced eye every turn of the market so as to miss no opportunity for profit and arranging for additional capital or larger credit as either may be required by him.

Because of these advantages the writer just quoted tells us that there are nearly 16,000 agricultural co-operative societies in France, 19,000 in Germany, 7,000 in Austria-Hungary, over 3,300 in Italy, nearly 2,000 in Belgium, nearly 3,000 in Switzerland, over 700 in Finland, nearly 900 in Ireland, and about 2,100 in Denmark. In all of these places co-operation was resorted to only as the last means of saving agriculture from what appeared to be a fatal decline. It will be the part of wisdom for the people of Wisconsin to consider the merits of this form of rural self-help before an acute stage of agricultural depression has been reached.

There is excellent reason also for the belief that the high cost of living is but another result of the deep underlying causes that have partly depopulated the countryside. The great commercial and manufacturing concerns we refer to every day as trusts have waxed strong and wealthy not only by paying the farmer a little less than they should for every bushel of grain and pound of butter he produced, but also by charging each consumer a little more than is fair for every article he buys. Thus every now and then the anomaly exists of beef being "high upon the hock but low upon the hoof;" of potatoes selling for 30 cents a bushel delivered at the railway station in Waupaca county, while on the same day they cost the consumer in Milwaukee 85 cents, although the expense of shipping them in carload lots from Waupaca to Milwaukee is only six and one-half cents per bushel of cabbage, for which farm-

ers around River Falls were paid \$3.00 a ton selling at the same time in the Chicago market at a dollar and a half a hundred, or thirty dollars a ton, although the freight between the two points was only three dollars a ton; and of a multitude of other similar examples of moderate prices on the farm contemporaneous with a rapid rise in the cost of living everywhere. Possibly some of this difference may be due to depreciation of perishable products, but surely not all of it. There is a growing feeling that our distributive processes are out of gear and that they absorb altogether too much of what the ultimate consumer pays for the necessities of life.

However this may be it is very plain that there is no necessary antagonism of interest between the consumer who wants the cost of living lowered and the farmer who demands higher prices for his products. High prices for farm products may indeed be one of the most potent means of reducing the cost of living. High prices ordinarily induce increased production; and unless the demand should meanwhile grow in the same proportion the inevitable result of a more abundant supply of the necessities of life will be lower prices to the consumer. At the same time increased prosperity on the farm innures to the direct well-being of the most thrifty and conservative element of our population and thus indirectly to the stability of the state itself.

As matters now stand the primary industry of the Middle West is threatened with comparative stagnation and the people whether in the country or the city suffer because of tribute levied upon them by great combinations and trusts. Why should we not reverse this process and so restore normal economic conditions? Inasmuch as the trust has grown up largely by exactions enforced from producers and consumers alike, because of its strategic position intermediate between them, why can it not be destroyed or its power greatly curtailed, by inducing these two great classes to deal directly with each other? By so doing better prices will be secured for the products of the farm as well as a substantial decrease in the cost of living. The present widespread popular interest in the subject of co-operation at least justifies us in giving this problem our most serious consideration.

But co-operation will not come of its own accord. Our own experience and the history of this movement elsewhere demonstrate this. There must be governmental assistance of some sort. At first this assistance will naturally take the form of education and legal authorization; but it should not stop here. For some time to come the establishment of co-operative enterprises should be publicly supervised, so as to avoid as many mistakes as possible. Just now the farmers of Sheboygan county are appealing to the state to help them establish co-operative associations for the marketing of cheese. The Board on Public Affairs and the University have responded as fully as their means will permit or the authority conferred upon them by law will justify. Present limitations in these respects are such that neither can go very far; but it would be cause for very great regret if for want of the right sort of assistance the people interested in this new venture should fail to organize upon the safest and soundest basis that can be devised.

Then there is this other consideration: the field these new ventures are about to enter is by no means unoccupied. The business of buying cheese is well established. During the past few years it has been rapidly concentrating in a few hands. Quite recently the great packing houses have become deeply interested in it. One would be an optimist indeed to believe that a co-operative society representing merely the interests of producers and consumers will be permitted without a struggle to secure control of the cheese market.

The same thing is illustrated in the marketing of grain in the northwestern part of the state. It is reported that before co-operative elevators were established there the local price of barley was from 15 to 20 cents a bushel less in some places than quotations for corresponding grades on the Minneapolis board of trade. Now after the lapse of three or four years the price of barley has advanced in these same towns as high in some cases as four cents a bushel above the Minneapolis price, and for the purpose, apparently, of driving these co-operative societies out of existence it is being forced still higher by those who formerly controlled the market, although in neighboring towns where no co-operative elevators exist it is still considerably below the level of the Minneapolis figures. Is it right to permit industrial warfare of this sort to go unchecked?

The marketing of tobacco I am told illustrates the same thing in a slightly different way.

In Denmark and generally throughout European countries co-operative enterprises are kept together on the principle of cohesion. Members are required upon entering the society to contract for the delivery of all their products for periods ranging from five to fifteen years; and severe penalties are provided for violation of this agreement. Undoubtedly this principle may be advantageously applied here. But merely because peaceful citizens can be induced to band themselves together for self protection, why should commercial brigandage employed to defeat their efforts go unchecked? Beneficial trade associations will be all the easier to establish and maintain when these destructive practices have been effectively outlawed.

Here again the consideration of co-operation brings us face to face with the question of monopolies and trusts. Quite manifestly legislation upon either one of these subjects that ignores the other will be short lived and of little value; for they are but different sides of the same shield. Co-operation is only another name for combination: and in recent years industrial trusts have deservedly come under public condemnation largely because of abuses incident to combination. No treatment of the subject of co-operation in Wisconsin can be satisfactory therefore that does not take into account our present statutes relative to trusts, monopolies and contracts in restraint of trade. Our laws upon these subjects were enacted at different times and apparently under the spur of varying conditions of the public mind. Some of these laws are special while others are general in scope. Some denounce trusts and contracts in restraint of trade while others encourage co-operation. No very clear purpose runs through them and it is not easy to reconcile them all upon the basis of any consistent economic principle.

Sections 1747e to 1747h denounce trusts and monopolies in broad and unqualified terms but except from their operation labor unions and "associations or organizations intended to legitimately promote the interests of trade, commerce or manufacturing." What inferences are we to draw from these exemptions? Where do these statutes leave agricultural socie-

ties? Do these laws establish one rule for urban associations and another for those formed to improve country life? Farmers are not mentioned and it is quite apparent that the organization of farmers for the betterment of rural conditions was not thought of when these laws were made.

Section 1770g applies only to foreign corporations doing business in Wisconsin. It forbids them from entering into "any combination, conspiracy, trust, pool, agreement or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this state."

Sections 1791j to 1791n apply to corporations organized under the laws of Wisconsin and contain prohibitions against "combinations, conspiracies, trusts and agreements in restraint of trade" similar to those enumerated in the statute applicable to foreign corporations already mentioned.

Sections 1791n—1 to 1791n—8 define and prohibit unfair discrimination in the sale of dairy products. A bill is now pending in this legislature to extend the operation of this equitable principle so as to make it general.

Section 4466a forbids combinations, conspiracies and agreements for the purpose of maliciously injuring another in his reputation, trade, business or profession. This appears to be the only one of these laws that has been challenged in the courts. It has been held valid and been given a broad and beneficial interpretation.

Finally, sections 1786e—1 to 1786e—17 authorize the creation of co-operative associations chiefly as outlined in chapters 368 and 664 of the laws of 1911. This was a necessary first step in the right direction; but it does not appear that in drafting these statutes account was taken of any existing prohibition against trusts and contracts in restraint of trade.

So far as these laws are intended to destroy monopoly and to prevent the making of contracts in unreasonable restraint of trade they should be strengthened and improved. But they are merely prohibitory and therefore negative in effect. Something more is needed. The people of Wisconsin are entitled to know not only what industrial arrangements are forbidden by law but also what contracts and associations are legally permissible or commendable; and they should be assisted in every possible way to

avoid the one and to promote the other. The law moreover must be **general**. No other rule would be either valid or defensible. Nor should we be satisfied to leave the enforcement of such a statute **wholly** to individual initiative. Abundant experience teaches us **that** the average individual when confronted by a problem of this sort is quite helpless. For a single-handed contest against powerful corporate interests he has neither time, money, nor the necessary information; and as a rule he can see no reason why he should battle alone for the establishment of rights in which every other member of the community is equally interested. So it will not do merely to pass a statute defining the substantive law applicable to this important subject and trust to private individuals when injured by its infractions to enforce its penalties. A suitable administrative board should be created—an economic betterment or market commission, if you please,—to have jurisdiction of all matters pertaining to the relation of producer and consumer in somewhat the same way the Industrial Commission deals with everything affecting the relation of employer and workman and the Railroad Commission everything involving the relation of shipper and common carrier. Should a board of this sort be established a number of existing commissions, offices and bureaus might be abolished by merging them into it, such as the Dairy and Food Commission, the Commissioner of Immigration, and the Board of Agriculture.

The time has come in Wisconsin to give practical effect to the co-operative idea. But we must act with our eyes wide open to the obstacles to be encountered and the difficulties to be overcome. What is needed is the establishment of a broad, consistent public policy in harmony with economic conditions as they now exist in all occupations. The line must be plainly drawn that separates monopoly from legitimate co-operation; that distinguishes unreasonable restraint of trade from mutual helpfulness; that will secure the advantages of free competition without exposing industry to unregulated industrial warfare.

I have had a bill of this kind prepared and I now submit it to you. Though laying no claim to perfection either in form or in substance it has been drafted with very great care. It deals with the subject to which it relates in a broad and inclusive way, covering the whole field of economic betterment within the state. As it is attached hereto detailed discussion of its provisions is unnecessary.

I am of course aware that there are many good bills now pending in the legislature pertaining to some phases of the problem dealt with comprehensively by this measure. Many of these proposals are excellent and should be enacted into law. The only regret is that they do not go far enough; or in cases where they cover the subject matter completely that they do not provide adequate administrative machinery for giving practical effect to their provisions.

Those who occupy official station in Wisconsin cannot too often be reminded that their state occupies an enviable position among the commonwealths of the country. Her leadership is widely recognized. To live up to what is expected of us will require all the intelligence, disinterested patriotism and unselfish devotion to the public welfare we can command. In dealing with the important problem here presented, therefore, commendable state pride as well as our own sense of obligation to the people we serve should prompt us to avoid legislation that will merely temporize with existing conditions or afford only partial relief. During the dozen eventful years just past, we have reformed our election machinery; we have devised an effective system for the regulation of public service corporations; we have made taxation more nearly equitable; we have done much to solve the labor problem; but we have accomplished little directly to improve agriculture or to relieve the great body of consumers. This is the task now before us.

Our Railroad Commission law was a pioneer measure of very great significance and value. But its jurisdiction is confined to the comparatively narrow relation of shipper and common carrier. The Industrial Commission act of the last legislature, the most important bill perhaps of the session, covers the wider interests of employers and workmen. The bill herewith submitted deals with the still more intimate and comprehensive relation of producer and consumer. But though of broader import and significance than either of the others this bill is in perfect harmony with the political philosophy that underlies both. It is in accord therefore with the best models of recent legislation in Wisconsin. As such I commend it to your careful consideration.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

March 17, 1913.

Upon motion of Senator Scott,
The reading of the executive communication was dispensed
with, and ordered printed in the journal.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and
asks concurrence in,

No. **130, A.**

No. **144, A.**

No. **162, A.**

No. **259, A.**

No. **405, A.**

No. **455, A.**

Has adopted, and asks concurrence in,

Jt. Res. No. 12, A.,

Jt. Res. No. 48, A.

Has concurred in

No. **70, S.**

No. **166, S.**

Has amended, and concurred in, as amended,

No. **29, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **130, A.** To committee on Judiciary.

No. **144, A.** To committee on Judiciary.

No. **162, A.** To committee on Judiciary.

No. **259, A.** To committee on Education and Public Wel-
fare.

No. **405, A.** To committee on Education and Public Wel-
fare.

No. **455, A.** To committee on Education and Public Wel-
fare.

Jt. Res. No. 12, A. To committee on Judiciary.

Jt. Res. No. 48, A. To committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **11, S.**

Amendment No 1, S., adopted.

No. **11, S.**, as amended,

Was ordered engrossed and read a third time.

No **133, S.**,

Substitute amendment No. 1, S., adopted.

No. **133, S.**, amended,

Was ordered engrossed and read a third time.

No. **283, S.**

Substitute amendment No. 1, S., adopted.

No. **283, S.**, as amended,

Was ordered engrossed and read a third time.

No. **361, S.**

Upon motion of Senator Skogmo,

Re-referred to committee on State Affairs.

No. **368, S.**

Amendment No. 1, S., adopted.

No. **368, S.**, as amended,

Was ordered engrossed and read a third time.

No. **26, S.**,

No. **159, S.**,

No. **248, S.**,

No. **363, S.**,

No. **374, S.**,

No. **375, S.**,

No. **376, S.**,

No. **377, S.**,

No. **378, S.**, and

No. **380, S.**,

Were each severally ordered engrossed and read a third time.

No. **147, S.**,

No. **169, S.**, and

No. **392, S.**,

Were each severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

No. **517, A.**,

Was read a second time and ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR A THIRD READING.

No. **43, S.**,

Was read a third time, and passed.

No. **97, A.**,

Was read a third time, and concurred in.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

BILLS FOR REVISION.

Senatar Tomkins filed one bill for revision at the chief clerk's desk.

TUESDAY, MARCH 18, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. E. L. Benson.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—25.

Absent—Senators Burke, Martin A. E., Richards, and Stevens—4.

Absent with leave—Senators Linley, Weigle, and Weissleder—3.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Ackley,

The vote by which No. **392, S.**, was indefinitely postponed, was reconsidered.

No. **392, S.**,

The senate refused to indefinitely postpone the bill.

No. **392, S.**,

Ordered engrossed and read a third time.

Upon request of Senator Scott, and by unanimous consent,

The chief clerk was authorized to receive reports from committees during the recess of the senate until Tuesday, April 15 1913, and have them printed in the journal.

PETITIONS.

- Pet. No. 258, S. By Senator Snover. To committee on State Affairs.
- Pet. No. 259, S. By Senator White. To committee on State Affairs.
- Pet. No. 260, S. By Senator White. To committee on State Affairs.
- Pet. No. 261, S. By Senator Ackley. To committee on Education and Public Welfare.
- Pet. No. 262, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 263, S. By Senator Culbertson. To committee on Judiciary.
- Pet. No. 264, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 265, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 266, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 267, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 268, S. By Senator Bosshard. To committee on Education and Public Welfare.
- Pet. No. 269, S. By Senator Bosshard. To committee on Education and Public Welfare.
- Pet. No. 270, S. By Senator Bosshard. To committee on Education and Public Welfare.
- Pet. No. 271, S. By Senator Bosshard. To committee on Education and Public Welfare.
- Pet. No. 272, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 273, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 274, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 275, S. By Senator Bichler. To committee on State Affairs.
- Pet. No. 276, S. By Senator Randolph. To committee on State Affairs.

COMMITTEE REPORT.

The committee on Judiciary report and recommend:

No. **164, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **165, S.**, and

No. **323, S.**,

Indefinite postponement.

E. F. KILEEN,
Chairman.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **57, A.**,

No. **185, A.**,

No. **214, A.**,

No. **221, A.**,

No. **262, A.**,

No. **266, A.**,

No. **346, A.**,

No. **353, A.**, and

No. **554, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **57, A.** To committee on Judiciary.

No. **185, A.** To committee on Judiciary.

No. **214, A.** To committee on Judiciary.

No. **221, A.** To committee on Judiciary.

No. **262, A.** To committee on Judiciary.

No. **266, A.** To committee on Judiciary.

No. **346, A.** To committee on State Affairs.

No. **353, A.** To committee on Judiciary.

No. **554, A.** To committee on State Affairs.

Has concurred in
Jt. Res. No. 34, S.

ASSEMBLY MESSAGE CONSIDERED.

No. 1, S.,

Recalled from the governor by Jt. Res. No. 34, S., lay on the chief clerk's desk.

No. 1, S.

Upon motion of Senator Scott,

The vote by which No. 1, S., was passed, was reconsidered.

Senator Scott, with unanimous consent, offered substitute amendment No. 1, S.

Upon request of Senator Scott,

All rules interfering, were suspended with unanimous consent, and No. 1, S., was placed upon its final passage at this time.

No. 1, S.

Substitute amendment No. 1, S., adopted.

No. 1, S.

A bill to appropriate sums of money therein named to the state highway fund and to the state highway commission,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 25; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H.C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—25.

Noes—None.

Absent or not voting—Senators Burke, Linley, Martin A. E., Richards, Stevens, Weigle, and Weissleder—7.

And so the bill was passed.

Upon request of Senator Scott,

All rules interfering, were suspended with unanimous consent, and

No. 1, S.,

Was ordered messaged to the assembly at once.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. 62, S.

Substitute amendment No. 1, S., adopted.

No. 62, S. as amended,

Was ordered engrossed and read a third time.

No. 125, S.,

Amendment No. 1, S., adopted.

Senator Tomkins offered amendment No. 2, S.,

Which amendment was adopted.

No. 125, S. as amended,

Was ordered engrossed and read a third time.

No. **194, S.**

Amendment No. 1, S., adopted.

No. **194, S.** as amended,

Was ordered engrossed and read a third time.

No. **225, S.**

Upon motion of Senator Glenn,

Laid over until Thursday, March 20, 1913.

No. **353, S.,**

No. **372, S.,** and

Jt. Res. No. 30, S.,

Were each severally ordered engrossed and read a third time.

No. **293, S.,**

No. **347, S.,** and

No. **357, S.,**

Upon motion of Senator Tomkins,

Laid over until Thursday, March 20, 1913.

No. **105, S.**

Senator Ackley offered substitute amendment No. 1, S.

No. **105, S.,** and pending amendment,

Laid over under the rules.

No. **185, S.,**

No. **210, S.,** and

No. **314, S.,**

Were severally indefinitely postponed.

No. **231, S.,**

Upon motion of Senator Husting,

Referred to the committee on Education and Public Welfare.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **459, A.,** and

No. **503, A.,**

Were each severally ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **52, S.,**

No. **82, S.,**

No. **94, S.,**

No. **170, S.,**

No. **227, S.,** and

No. **336, S.,**

Were each severally read a third time and passed.

No. **22, A.**,

Was read a third time, and concurred in.

No. **161, A.**,

Was read a third time.

The question was, Shall the bill be concurred in?

A division was called for, and the bill was concurred in.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

The committee on Corporations filed two bills, the committee on Judiciary filed two bills, the committee on State Affairs filed two bills, and the committee on Education and Public Welfare filed one bill for revision at the chief clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **156, S.**,

Indefinite postponement.

No. **171, A.**,

Concurrence.

No. **373, A.**,

Adoption of amendment No. 1, S., and concurrence.

GEORGE B. SKOGMO,

Acting Chairman.

The committee on State Affairs report and recommend:

No. **211, S.**,

Adoption of amendment No. 1 S., and passage, Senators Stevens and Zophy dissenting.

No. **135, S.**,

No. **162, S.**,

25—S. J.

No. **287, S.**,
No. **288, S.**,
No. **289, S.**, and
No. **317, S.**,
Indefinite postponemet.
No. **329, S.**,
Adoption of amendment No. 1, S., and passage.

No. **333, S.**,
Passage.
No. **179, A.**,
No. **182, A.**, and
No. **366, A.**,
Concurrence.
No. **225, A.**, and
No. **333, A.**,
Non-concurrence.

M. F. WHITE,
Chairman.

The committee on Judiciary report and recommend:
No. **379, S.**,
Passage.

E. F. KILEEN,
Chairman.

ADJOURNMENT.

Upon motion of Senator Kellogg,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **11, S.**,
No. **62, S.**,
No. **125, S.**,
No. **133, S.**,
No. **194, S.**,
No. **283, S.**, and
No. **368, S.**,
Correctly engrossed.

No. **65, S.**, and
No. **158, S.**

Correctly enrolled at 2:00 o'clock p. m.

WEDNESDAY, MARCH 19, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. E. L. Benson.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—32.

The journal of yesterday was approved.

MOTIONS.

Senator Scott moved that the vote by which No. **52, S.**, was passed, be reconsidered, and that further consideration thereon be deferred until Friday, March 21, 1913.

Which motion prevailed.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 410, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432.

H. C. MARTIN,

Chairman.

• The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

- No. **401, S.** (Revision No. 410). By Committee on Education and Public Welfare. To committee on Education and Public Welfare.
- No. **402, S.** (Revision No. 423). By Committee on State Affairs. To committee on State Affairs.
- No. **403, S.** (Revision No. 424). By Committee on Corporations. To committee on Corporations.
- No. **404, S.** (Revision No. 425). By Senator Tomkins. To committee on Finance.
- No. **405, S.** (Revision No. 426). By Senator Tomkins. To committee on Corporations.
- No. **406, S.** (Revision No. 427). By Committee on Corporations. To committee on Corporations.
- No. **407, S.** (Revision No. 428). By Committee on Corporations. To committee on Corporations.
- No. **408, S.** (Revision No. 429). By Committee on Judiciary. To committee on Judiciary.
- No. **409, S.** (Revision No. 430). By Committee on State Affairs. To committee on State Affairs.
- No. **410, S.** (Revision No. 431). By Committee on State Affairs. To committee on State Affairs.
- No. **411, S.** (Revision No. 432). By Committee on Judiciary. To committee on Judiciary.

PETITIONS.

- Pet. No. 277, S. By Senator Huber. To committee on State Affairs.
- Pet No. 278, S. By Senator Huber. To committee on State Affairs.
- Pet No. 279, S. By Senator Huber. To committee on State Affairs.
- Pet No 280, S. By Senator Huber. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

MARCH 19, 1913.

CHIEF CLERK,

Madison, Wisconsin.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative agents or counsel since last report.

Very truly yours,

J. S. DONALD,

Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Charles Barber, 126 Court st., Oshkosh, representing the Diamond Match Company, Oshkosh, Wis., upon labor legislation, and legislation in reference to the manufacture of matches.

Wm. Fisher, lawyer, Stevens Point, Wis., representing Jennings Estate, New London, Elizabeth A. Werner, Executrix, upon No. 943, A.

Thomas H. Gill, 715 Germania Bldg., Milwaukee, representing R. R. Employes Brotherhood, upon industrial compensation.

W. F. Gruenewald, 13 Waugoo st., Oshkosh, Wis., representing Gruenewald & Gruenewald, Oshkosh, Wis., upon municipalities.

A. C. Hoppmann, Attorney, Badger Blk., Madison, Wis., representing Charles G. Riley and John F. Icke, Madison, Wis., upon establishing dock line on Lake Monona.

Henry Mahoney, 625 Caswell Bldg., Milwaukee, representing Brotherhood of Railway Trainmen, upon industrial compensation.

J. W. Murphy, 200 N. Hickory St., Platteville, representing himself upon Taxation of Mineral Rights.

Giles H. Putnam, Lawyer, New London, Wis., representing Executor of the Estate of David Jennings, New London, Elizabeth Werner, Ex., upon No. 943, A.

William A. Fricke, Wausau, Wis., representing Employes Mutual Liability Ins. Co., Wausau, Wis., upon No. 588, A., Amendments to Compensation act.

H. C. George, Platteville, Wis., representing Wisconsin Operator's Assn., and himself upon No. 66, A.

Geo. B. Ingersoll, Secy., Beloit, Wis., representing Fairbanks-Morse Mfg. Co., Beloit, Wis., upon No. 588, A.

Otto L. Kuehn, 569 Cramer St., Milwaukee, representing himself upon No. 521, A.

Leo Krzycki, 1161 8th ave., Milwaukee, representing Polish School Assn., P. O. Box 68, Milwaukee, upon bill in reference to Private and Parochial Schools.

John W. Maple, 295 Ogden ave., Milwaukee, representing Pfister & Vogel Leather Co., Milwaukee, Wis., upon Workmen's Compensation, Labor Legislation.

Fred W. McKee, Beloit, Wis., representing Fairbanks-Morse Mfg. Co., Beloit, Wis., upon No. **588, A.**

C. C. Mathey, Galena, Ill., representing Wisconsin Zinc Separating Co., Big Dad Mining Co., upon No. **66, A.**

K. F. Rasmussen, Rice Lake, Wis., representing himself upon Normal School for Eau Claire.

H. S. Snow, Genl. Mgr., Platteville, Wis., representing Wisconsin Zinc Co., Platteville, Wis., upon No. **66, A.**

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. **349, S.**

Indefinite postponement.

G. E. SCOTT,

Chairman, Senate Committee.

R. J. NYE,

Chairman, Assembly Committee.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **364, A.**

No. **410, A.**

No. **444, A.**

No. **500, A.**

No. **506, A.**

No. **516, A.**

No. **523, A.**

No. **525, A.**

No. **526, A.**

No. **608, A.**

No. **637, A.**

No. **652, A.**

And concurred in,

No. **54, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **364, A.** To committee on Education and Public Welfare.

No. **410, A.** To committee on Education and Public Welfare.

No. **444, A.** To committee on Education and Public Welfare.

No. **500, A.** To committee on State Affairs.

No. **506, A.** To committee on Corporations.

No. **516, A.** To committee on State Affairs.

No. **523, A.** To committee on Corporations.

No. **525, A.** To committee on State Affairs.

No. **526, A.** To committee on State Affairs.

No. **608, A.** To committee on State Affairs.

No. **637, A.** To committee on State Affairs.

No. **652, A.** To committee on State Affairs.

No. **29, S.**

Substitute amendment No. 1, A., concurred in.

No. **29, S.**, as amended,

Was concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **108, S.**

Amendment No. 1, S., adopted.

The question was, Shall the bill be ordered engrossed and read a third time?

A division was called for, and

No. **108, S.**, as amended,

Was ordered engrossed and read a third time.

No. **144, S.**

Amendment No. 1, S., adopted.

No. **144, S.**, as amended,

Was refused to be ordered engrossed and read a third time.

No. **199, S.**, and

No. **203, S.**,

Were ordered engrossed and read a third time.

No. **249, S.**

Amendment No. 1, S., adopted.

No. **249, S.**, as amended.

The question was, Shall the bill be ordered engrossed and read a third time?

Division was called for, and

No. **249, S.**,

Was ordered engrossed and read a third time.

No. 60, S.

Amendment No. 2, S., refused adoption.

Senator Teasdale offered amendment No. 3, S.,
Which amendment was adopted.

No. 60, S.

A bill to amend subsection 1 of section 1548 of the statutes, relating to the sale of intoxicating liquors.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 21; noes, 11; absent or not voting, none, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Monk, Perry, Randolph, Richards, Stevens, Tomkins, Weissleder, White, and Zophy—21.

Noes—Senators Bosshard, Culbertson, Glenn, Linley, Martin H. C., Scott, Skogmo, Snover, Teasdale, True, and Weigle—11.

Absent or not voting—None.

And so the bill was indefinitely postponed.

No. 97, S.,

A bill to create sections 1636—202 to 1636—214, inclusive, of the statutes, relating to the inspection, examination and testing of locomotive engines and the appointment of inspectors, making an appropriation therefor, and providing a penalty therefor.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 19; noes, 11; absent or not voting, 2, as follows:

Ayes—Senators Bichler, Bishop, Culbertson, Glenn, Huber, Husting, Kellogg, Kileen, Martin A. E., Perry, Randolph, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, Weissleder, and White—19.

Noes—Senators Ackley, Albers, Bosshard, Burke, Cunningham, Hoyt, Martin H. C., Monk, Stevens, True, and Zophy—11.

Absent or not voting—Senators Linley and Weigle—2.

And so the bill was indefinitely postponed.

No. 214, S.

Upon motion of Senator Burke,

Re-referred to committee on Finance.

**BILLS AND RESOLUTIONS TO BE ORDERED TO A
THIRD READING.**

No. 89, A.,

Upon motion of Senator True,

Laid over until Wednesday, March 26, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **26, S.**,
No. **159, S.**,
No. **248, S.**,
No. **363, S.**,
No. **374, S.**,
No. **376, S.**,
No. **377, S.**,
No. **378, S.**, and
No. **380, S.**,

Were each severally read a third time and passed.

No. **375, S.**,

Was read a third time.

Senator Kileen stated that an error occurred in making up the committee report, that No. **375, S.**, ought to have been reported for indefinite postponement instead of for passage.

No. **375, S.**,

Was refused passage.

No. **517, A.**,

A bill to amend sections 5731 and 588 of the statutes, relating to the charges for support of inmates at the home for the feeble-minded and at the state hospital for the insane,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required and the vote was: Ayes, 24; noes, 5; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Monk, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—24.

Noes—Senators Burke, Martin H. C., Perry, Randolph, and Teasdale—5.

Absent or not voting—Senators Bichler, Culbertson, and Linley—3.

And so the bill was concurred in.

ADJOURNMENT.

Upon motion of Senator Ackley,

The senate adjourned.

BILLS FOR REVISION.

The committee on State Affairs filed one bill and the committee on Judiciary filed two bills for revision at the Chief Clerk's desk.

CLERK'S REPORT.

The chief clerk reports:

No. **108, S.**, and

No. **249, S.**,

Correctly engrossed.

f

THURSDAY, MARCH 20, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. E. L. Benson.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—32.

The journal of yesterday was approved.

MOTIONS.

Senator Burke moved that the vote by which No. **375, S.**, was refused passage, be reconsidered, and that the motion lie over until Wednesday, March 26, 1913.

The question was, Shall the motion lie over until Wednesday, March 26, 1913?

Division was called for and the senate refused to lay the motion over.

The question then was, Shall the vote by which No. **375, S.**, was refused passage, be reconsidered, and the senate refused to reconsider the vote.

Upon request of Senator Bosshard, and with unanimous consent, No. **291, S.**, was recalled from the special committee on Insurance and re-referred to the committee on Corporations, and No. **104, S.**, was recalled from the committee on Finance and re-referred to the committee on Corporations.

Upon request of Senator Skogmo, and with unanimous consent, No. **361, S.**, was recalled from the committee on State Affairs and re-referred to the special committee appointed under Jt. Res. No. 32, S., and that No. **46, S.**, be placed upon the calendar for Wednesday, March 26, 1913.

Upon request of Senator Tomkins, and with unanimous consent No. **404, S.**, was recalled from the committee on Finance.

PETITIONS.

- Pet. No. 281, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 282, S. By Senator Kellogg. To committee on Education and Public Welfare.
- Pet. No. 283, S. By Senator Bishop. To committee on Education and Public Welfare.
- Pet. No. 284, S. By Senator Bishop. To committee on Education and Public Welfare.
- Pet. No. 285, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 286, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 287, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 288, S. By Senator Skogmo. To committee on Education and Public Welfare.
- Pet. No. 289, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 290, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 291, S. By Senator Scott. To committee on Judiciary.
- Pet. No. 292, S. By Senator Scott. To committee on Finance.
- Pet. No. 293, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 294, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 295, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 296, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 297, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 298, S. By Senator Kileen. To committee on Judiciary.

COMMUNICATION TO THE SENATE.

MARCH 20, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

F. E. Andrews, Bloomer, Wis., representing City of Eau Claire upon Normal School.

W. H. Bridgman, Stanley, Wis., representing City of Eau Claire upon Normal School.

J. H. Carnahan, Black River Falls, Wis., representing City of Eau Claire upon Normal School.

C. W. Gilman, Mondovi, Wis., representing City of Eau Claire upon Normal School.

Finley W. Goodrich, Durand, Wis., representing City of Eau Claire upon Normal School.

Emmet Horan, Eau Claire, Wis., representing City of Eau Claire, upon Normal School.

O. G. Kinney, Colfax, Wis., representing City of Eau Claire, upon Marketing.

L. A. Leadbetter, 27 N. Oneida Ave., Rhinelander, Wis., representing City of Rhinelander, upon Normal School.

G. O. Linderman, Osseo, Wis., representing City of Eau Claire, upon Normal School.

Geo. B. Parkhill, Thorp, Wis., representing City of Eau Claire, upon Normal School.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **282, S.**,

Reference to Finance committee, and passage.

No. **299, S.**, and

No. **300, S.**,

Passage.

HOWARD TEASDALE,
Chairman.

No. **282, S.**, was re-referred to committee on Finance.

The committee on Corporations report and recommend:

No. **46, S.**,

Indefinite postponement, Senator Bosshard dissenting.

No. **143, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **265, S.**,

Passage.

No. **232, S.**, and

No. **315, S.**,

Indefinite postponement.

No. **331, S.**,

Adoption of amendment No. 1, S., and passage.

OTTO BOSSHARD,

Chairman.

The committee on State Affairs report and recommend:

No. **124, S.**,

Rejection of substitute amendment No. 2, S., adoption of amendment No. 3, S., and passage.

No. **134, S.**,

Adoption of amendment No. 1, S., and passage.

No. **206, S.**,

No. **221, S.**,

No. **234, S.**, and

No. **367, S.**,

Indefinite postponement.

No. **191, S.**, and

No. **370, S.**,

Passage.

No. **233, A.**,

No. **239, A.**, and

No. **275, A.**,

Concurrence.

No. **433, A.**,

Non-concurrence.

M. F. WHITE,

Chairman.

The committee on Judiciary report and recommend:

No. **31, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **286, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **103, S.**,

Adoption of amendment No. 1, S., and passage.

No. **250, S.**,

Passage.

No. **383, S.**,

Reference to special committee on Highways.

No. **22, S.**,
No. **149, S.**,
No. **157, S.**,
No. **161, S.**,
No. **236, S.**,
No. **366, S.**,
No. **367, S.**,
Indefinite postponement.

E. F. KILEEN,
Chairman.

No. **383, S.**,
Was re-referred to special committee on Highways.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in
Jt. Res. No. 26, S.,

No. **36, S.**,
No. **137, S.**

And has passed, and asks concurrence in,

No. **98, A.**,
No. **122, A.**,
No. **159, A.**,
No. **183, A.**,
No. **265, A.**,
No. **303, A.**,
No. **326, A.**,
No. **539, A.**,
No. **544, A.**,
No. **547, A.**,
No. **568, A.**,
No. **596, A.**,
No. **636, A.**,
No. **659, A.**, and
No. **662, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **98, A.** To committee on State Affairs.

No. **122, A.** To committee on Judiciary.

No. **159, A.** To committee on State Affairs.

No. **183, A.** To committee on Education and Public Welfare.

No. **265, A.** To committee on Judiciary.

- No. **303, A.** To calendar.
No. **326, A.** To committee on Judiciary.
No. **539, A.** To committee on Judiciary.
No. **544, A.** To committee on Judiciary.
No. **547, A.** To committee on State Affairs.
No. **568, A.** To committee on Education and Public Welfare.
No. **596, A.** To committee on Finance.
No. **636, A.** To committee on Finance.
No. **659, A.** To committee on Finance.
No. **662, A.** To committee on Finance.
-

Upon motion of Senator White,
No. **191, S.,**

Was taken from the report of the committee on State Affairs
and placed at the head of today's calendar.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

No. **191, S.,**

Ordered engrossed and read a third time.

Upon request of Senator White,

All rules interfering, were suspended with unanimous consent,
and

No. **191, S.,**

Was placed upon its final passage at this time.

No. **191, S.,**

Was read a third time, and passed.

Upon request of Senator White,

All rules interfering, were suspended with unanimous consent,
and

No. **191, S.,**

Was ordered messaged to the assembly at once.

No. **164, S.**

Substitute amendment No. 1, S., adopted.

No. **164, S.,** as amended,

Was ordered engrossed and read a third time.

No. **211, S.,**

A bill, to amend section 4563 of the statutes, relating to shoot-
ing of aquatic fowl.

Amendment No. 1, S., adopted.

No. **211, S.,** as amended.

The question was, Shall the bill be ordered engrossed and
read a third time?

The ayes and noes were demanded, and the vote was: Ayes, 14; noes, 16; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Monk, Perry, Snover, Tomkins, and White—14.

Noes—Senators Albers, Bosshard, Glenn, Huber, Hustling, Linley, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—16.

Absent or not voting—Senators Hoyt and Martin H. C.—2.

And so the senate refused to order the bill engrossed and read a third time.

No. 225, S.,

A bill to amend section 12 of the statutes, extending the right of suffrage to women.

The question was, Shall the bill be ordered engrossed and read a third time?

The ayes and noes were demanded, and the vote was: Ayes, 17; noes, 14; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Linley, Martin H. C., Monk, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—17.

Noes—Senators Albers, Bichler, Burke, Hustling, Kellogg, Kileen, Martin A. E., Perry, Randolph, Richards, Stevens, Weigle, Weissleder, and White—14.

Absent or not voting—Senator Hoyt—1.

And so the bill was ordered engrossed and read a third time.

No. 225, S.,

Senator Randolph asked unanimous consent, that all rules interfering, be suspended and that,

No. 225, S.,

Be placed upon its final passage at this time.

Senator Ackley objected.

Senator Randolph then moved that all rules interfering be suspended, and that No. **225, S.**, be placed upon its final passage at this time.

The question was, Shall the rules be suspended and the bill be placed upon its final passage.

The ayes and noes were demanded, and the vote was: Ayes, 25; noes, 6; absent or not voting, 1, as follows:

Ayes—Senators Albers, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—25.

Noes—Senators Ackley, Bichler, Hustling, Kellogg, Perry, and Stevens—6.

Absent or not voting—Senator Hoyt—1.

And so the rules were suspended.

26—S. J.

No. 225, S.,

Was read a third time.

The question then was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 17; noes, 15; absent or not voting, none, as follows:

Ayes—Senators Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Linley, Martin H. C., Monk, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—17.

Noes—Senators Ackley, Albers, Biehler, Burke, Hustung, Kellogg, Kileen, Martin A. E., Perry, Randolph, Richards, Stevens, Weigle, Weissleder, and White—15.

Absent or not voting—None.

And so the bill was passed.

No. 329, S.

Amendment No. 1, S., adopted.

No. 329, S., as amended,

Was ordered engrossed and read a third time.

No. 333, S.

Senator Hustung offered amendment No. 1, S.

The question was, Shall amendment No. 1, S., be adopted?

The president put the question and was about to announce the result when Senator Hustung asked unanimous consent to discuss the amendment.

Senator Burke objected.

Senator Hustung then called for a division and the amendment was adopted.

Upon motion of Senator Hustung,

The vote by which amendment No. 1, S., was adopted, was reconsidered.

Amendment No. 1, S., was rejected.

No. 333, S.,

Was ordered engrossed and read a third time.

No. 379, S.,

Was ordered engrossed and read a third time.

No. 48, S.,

A bill to amend subsection 2 of section 1548 of the statutes, relating to the sale of intoxicating liquors.

Senator Bosshard offered amendment No. 1, S.

Senator Linley offered amendment No. 1, S., to amendment No. 1, S.

Senator Linley, with unanimous consent, withdrew amendment No. 1, S., to amendment No. 1, S.

Amendment No. 1, S., was adopted.

No. 48, S., as amended.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 17; absent or not voting, none, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Cunningham, Huber, Husting, Kellogg, Martin A. E., Perry, Randolph, Richards, Stevens, Tomkins, Weissleder, and White—16.

Noes—Senators Ackley, Bosshard, Culbertson, Glenn, Hoyt, Kileen, Linley, Martin H. C., Monk, Scott, Skogmo, Snover, Teasdale, True, Weigle, Zophy, and Mr. President—17.

Absent or not voting—None.

So the senate refused to indefinitely postpone the bill and thereby ordering it to be engrossed and read a third time.

No. 105, S.,

A bill to create section 560n of the statutes, relating to dances given by classes or other similar organizations in educational institutions.

Substitute amendment No. 1, S.

The question was, Shall substitute amendment No. 1, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 17; noes, 11; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Culbertson, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Randolph, Skogmo, Snover, Teasdale, Tomkins, Weigle, Weissleder, and Zophy—17.

Noes—Senators Bichler, Bishop, Cunningham, Huber, Linley, Martin H. C., Monk, Perry, Scott, Stevens, and True—11.

Absent or not voting—Senators Burke, Glenn, Richards, and White—4.

And so the substitute amendment was adopted.

No. 105, S., as amended,

Was refused indefinite postponement and thereby ordering it to be engrossed and read a third time.

No. 135, S.,

A bill to create section 3444m, of the statutes, relating to inn keepers.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 6; noes, 24; absent or not voting, 2, as follows:

Ayes—Senators Bishop, Linley, Martin A. E., Snover, Stevens, and Zophy—6.

Noes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, and Weissleder—24.

Absent or not voting—Senators Glenn and White—2.

So the senate refused to indefinitely postpone the bill and thereby ordering it to be engrossed and read a third time.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **164, S.**, and

No. **329, S.**,

Correctly engrossed.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Teasdale until Wednesday, March 26, 1913.

MOTIONS.

No. **404, S.**, recalled from the committee on Finance, lies on the clerk's desk.

Senator Tomkins, with unanimous consent, offered amendment No. 1, S., to No. **404, S.**,

Which amendment was adopted.

Upon motion of Senator Tomkins,

No. **404, S.**, with pending amendment,

Was re-referred to the committee on Finance.

Senator Ackley moved that Rule No. 11 be suspended.

The question was, Shall Rule No. 11 be suspended?

The ayes and noes were required, and the vote was: Ayes, 14, noes, 12; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bosshard, Burke, Huber, Hustling, Kellogg, Linley, Martin H. C., Snover, Stevens, True and Weigle—14.

Noes—Senators Bishop, Culbertson, Kileen, Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, White, and Zophy—12.

Absent or not voting—Senators Cunningham, Glenn, Hoyt, Martin A. E., Richards and Weissleder—6.

And so the senate refused to suspend the rule.

Senator Weigle moved that the vote by which No. **48, S.**, was ordered engrossed and read a third time be reconsidered, and that further consideration of the bill lie over until Wednesday, March 26, 1913.

Which motion prevailed.

Upon request of Senator Teasdale, and by unanimous consent, No. **162, S.**, was laid over until Wednesday, March 26, 1913, and ordered that no bills introduced by Senator Teasdale be placed on the calendar until Wednesday, March 26, 1913.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 433, 434, 435, 436, 437, 438, 439, 440.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

- No. **412, S.** (Revision No. 433). By Committee on State Affairs. To the committee on State Affairs.
- No. **413, S.** (Revision No. 434). By Committee on Corporations. To committee on Corporations.
- No. **414, S.** (Revision No. 436). By Committee on Finance. To committee on Finance.
- No. **415, S.** (Revision No 435). By Committee on Finance (with passage recommended). To calendar.
- No. **416, S.** (Revision No. 437). By committee on Education and Public Welfare. To committee on Education and Public Welfare.
- No. **417, S.** (Revision No. 438). By committee on Education and Public Welfare. To Committee on Education and Public Welfare.
- No. **418, S.** (Revision No. 439). By Committee on Education and Public Welfare. To committee on Education and Public Welfare.
- No. **419, S.** (Revision No. 440). By committee on Education and Public Welfare. To committee on Education and Public Welfare.
-

COMMITTEE REPORTS.

To committee on Corporations report and recommend:

No. **273, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **78, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **154, A.**,

No. **201, A.**,
No. **248, A.**, and
No. **440, A.**,
Concurrence.

OTTO BOSSHARD,
Chairman.

The committee on Education and Public Welfare report and recommend:

No. **180, S.**,
Adoption of amendment No. 1, S., and passage.
No. **187, S.**,
Adoption of amendment No. 1, S., and passage.

HOWARD TEASDALE,
Chairman.

**BILLS AND RESOLUTIONS READY FOR ENGROSS-
MENT.**

No. **156, S.**, and
No. **165, S.**,
Were severally indefinitely postponed.

No. **287, S.**
The question was, Shall the bill be indefinitely postponed?
Division was called for and the bill was indefinitely postponed.

No. **288, S.**, and
No. **289, S.**,
Were severally indefinitely postponed.

The president called the president pro tempore to the chair.

No. **293, S.**,
Was indefinitely postponed.

No. **317, S.**
Senator Husting offered amendment No. 1, S.,
Which amendment was refused adoption.

The president resumed the chair.

No. **317, S.**,
Was indefinitely postponed.

No. **318, S.**
Upon motion of Senator Zophy,
Re-referred to committee on Corporations.

No. **323, S.**,
Was indefinitely postponed.

No. **345, S.**

Upon motion of Senator Zophy,
Re referred to committee on Corporations.

No. **347, S.**

Upon motion of Senator Linley,
Re-referred to committee on Corporations.

No. **357, S.,**

Was indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **171, A.,**

No. **179, A.,**

No. **182, A.,** and

No **366, A.,**

Were each severally ordered to a third reading.

No. **373, A.**

Amendment No. 1. S., adopted.

No. **373, A.,** as amended,

Was ordered to a third reading.

No. **225, A.,** and

No. **333, A.,**

Were each severally refused a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READ- ING.

Jt. Res. No. 30, S.,

Was read a third time and adopted.

No. **11, S.,**

A bill to create section 4560f—11 of the statutes, relating to the operation of nets in certain waters of the state by the fish and game warden, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none, absent or not voting, 12, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Burke, Culbertson, Hoyt, Huber, Husting, Kileen, Linley, Martin H. C., Monk, Scott, Snover, Stevens, Tomkins, Weigle, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Albers, Cunningham, Glenn, Kellogg, Martin A. E., Perry, Randolph, Richards, Skogmo, Teasdale, True, and Weissleder—12.

And so the bill was passed.

No. **62, S.**,

No. **133, S.**,

No. **194, S.**,

No. **283, S.**,

No. **353, S.**,

No. **368, S.**, and

No. **372, S.**,

Were each severally read a third time, and passed.

No. **125, S.**

Upon motion of Senator Bosshard,

Laid over until Wednesday, March 26, 1913.

No. **392, S.**

Senator Ackley, with unanimous consent, - offered amendment

No. 1, S.

Which amendment was adopted.

No. **392, S.**, as amended,

Was read a third time, and passed.

No. **459, A.**,

A bill to amend section 1, and to create section 3a of chapter 474, laws of 1911, relating to a conveyance of state lands to John Henry Sykes,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Burke, Hoyt, Huber, Husting, Kileen, Martin H. C., Monk, Perry, Randolph, Scott, Snover, Stevens, Tomkins, Weigle, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Albers, Culbertson, Cunningham, Glenn, Kellogg, Linley, Martin A. E., Richards, Skogmo, Teasdale, True, and Weissleder—12.

And so the bill was concurred in.

No. **503, A.**

A bill to authorize the conveyance by the state to the town of Bayfield, of a right of way across the state hatchery land in Bayfield county,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Burke, Culbertson, Hoyt, Huber, Husting, Kileen, Linley, Martin

H. C., Monk, Scott, Snover, Stevens, Tomkins, Weigle, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Albers, Cunningham, Glenn, Kellogg, Martin A. E., Perry, Randolph, Richards, Skogmo, Teasdale, True, and Weissleder—12.

And so the bill was concurred in.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Ackley until Monday, March 24, 1913, and to Senator Monk until Tuesday, March 25, 1913.

ADJOURNMENT.

Upon motion of Senator Scott,

The senate adjourned.

BILLS FOR REVISION.

The committee on Corporations filed one bill for revision at the chief clerk's desk.

CLERK'S REPORT.

The chief clerk records:

No. 105, S.,

Correctly engrossed.

FRIDAY, MARCH 21, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. L. Benson.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

LEAVE OF ABSENCE.

Upon request of Senator Huber,

Leave of absence was granted to Senators Richards and Weins-
leder until Tuesday, March 25, 1913.

The journal of yesterday was corrected by transferring the roll
call below No. **211, S.**, on page 411, to page 412 next preced-
ing No. **329, S.**

The journal as corrected was then approved.

MOTIONS.

Upon request of Senator Bosshard, and with unanimous consent,
Rule No. 11 was suspended for this session.

Upon motion of Senator Scott,

No. **83, S.**, and No. **205, S.**, were recalled from the commit-
tee on Finance and re-referred to the committee on Education and
Public Welfare.

Senator True moved that the vote by which No. **211, S.**, was
refused engrossment, be reconsidered, and that further considera-
tion of the bill be deferred until Wednesday, March 26, 1913.

Which motion prevailed.

PETITIONS.

- Pet. No. 299, S. By Senator Husting. To committee on Education and Public Welfare.
- Pet. No. 300, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 301, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 302, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 303, S. By Senator Stevens. To committee on Education and Public Welfare.
- Pet. No. 304, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 305, S. By Senator Stevens. To committee on State Affairs.
-

COMMUNICATION TO THE SENATE.

MARCH 21, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

E. R. Bowler, Sheboygan, Wis., representing Wisconsin Mfg. Association, H. W. Bolens, Prest., Port Washington, Wis., upon all matters affecting manufacturing or manufacturers.

C. S. Thompson, 5th floor, Sentinel Bldg., representing Milwaukee Bar Assn., and himself upon justice of peace, Milwaukee county.

Robert Buech, 931—1st ave., Milwaukee, representing himself upon excise and fees, elections.

Otto Beselack, 603 Caswell Blk., Milwaukee, representing Royal Casualty Co., Chicago, Ill., upon insurance.

H. K. Curtis, Vice Prest., 75 Sentinel Bldg., Milwaukee, representing Wisconsin Humane Society, upon transportation of animals.

Geo. E. Dixon, 1443 Insurance Exch., Chicago, representing Geo. E. Dixon, Royal Casualty Co., Chicago, Ill., upon Insurance.

W. T. Donaldson, 707 W. Dayton St., Madison, Grad. Student, representing himself upon No. **669, A.**

W. L. Evans, 926 Monroe Ave., Green Bay, representing himself upon No. **229, S.**, and No. **352, A.**, State Park Bills.

H. R. Holand, Secy., Ephraim, Wis., representing Ephraim Men's Club, upon State Park Bills.

Russell H. Jones, 554 South St., Kenosha, representing himself upon Motor Vehicle Legislation.

Earl M. La Plant, County Clerk, Sturgeon Bay, representing County of Door, upon No. **229, S.**, and No. **352, A.**

D. W. Larkin, Sturgeon Bay, Wis., representing County of Door, upon State Park Bills.

Geo. Mutter, 1007—23d St., Milwaukee, representing Int. Assn. of Machinists, Dist. No. 10, Milwaukee, Wis., Room 302, Brisbane Hall, upon No. **560, A.**

Jno. J. Maher, 512—13 Germania Bldg., representing Milwaukee Bar Assn., Milwaukee, Wis., upon Legislation affecting the Practice of Law.

E. R. Neuenfeldt, 1341—7th St., Oshkosh, Wis., Frog Dealer, representing himself upon No. **522, A.**

Leo F. Nohl, 708 Caswell Blk., Milwaukee, representing Royal Casualty Co., upon Insurance.

John J. Oswald, 1304 Clybourn St., representing Wisconsin Grocers and Genl. Merchants Association, and Milwaukee Retail Grocers' Ass'n, M. Slattery, Sec'y, 208 Mayer Bldg., Milwaukee, upon matters affecting retail merchants.

H. L. Phillips, Supt., Milwaukee, Wis., representing Wisconsin Humane Society, upon transportation of animals.

T. A. Sanderson, Sturgeon Bay, Wis., representing Sawyer Community Development Club, Sawyer, Wis., upon state park bills.

C. E. Randall, Kenosha, Wis., representing himself, upon motor vehicle legislation.

M. H. Stocking, 623 University Ave., Madison, representing himself, upon Joint Res. No. 47, A.

Rodger M. Trump, 1111 Majestic Bldg., Milwaukee, representing C. M. & St. P. Ry. Co., upon general railway legislation.

W. B. Webster, Hudson, Wis., representing himself, upon occupational diseases.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:
No. **237, S.**,

Amendment No. 1, S., and passage.

No. **371, S.**,

Amendment No. 1, S., and passage.

No. 390, S.,
Amendment No. 1, S., and passage.

G. E. SCOTT,
 Chairman, Senate Committee.
 ——— R. J. NYE,
 Chairman, Assembly Committee.

MOTIONS FOR CONSIDERATION.

No. 52, S.
 Upon motion of Senator Scott,
 Laid over until Thursday, March 27, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. 349, S.,
 Was indefinitely postponed.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. 108, S., and
No. 199, S.,
 Were each severally read a third time, and passed.

No. 203, S., and
No. 249, S.
 Upon motion of Senator Scott,
 Laid over until Wednesday, March 26, 1913.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 11:30 o'clock a.m.

11:30 O'CLOCK, A. M.

The senate was called to order by the president pro tempore.

The committee on Legislative Procedure report and recommend bill bearing Revision No. 441, for introduction.

H. C. MARTIN,
Chairman.

The bill was read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **420, S.** (Revision No. 441). By Committee on Corporations. To committee on Corporations.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in senate action on

No. **1, S.**

Has concurred in

No. **7, S.,**

No. **25, S.**

Has passed and asks concurrence in,

No. **6, A.,**

No. **101, A.,**

No. **270, A.,**

No. **271, A.,**

No. **315, A.,**

No. **334, A.,**

No. **343, A.,**

No. **372, A.,**

No. **414, A.,** and

No. **419, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. 6, A. To committee on Judiciary.

No. 101, A. To committee on State Affairs.

No. 270, A. To committee on Judiciary.

No. 271, A. To committee on Judiciary.

No. 315, A. To committee on Education and Public Welfare.

No. 334, A. To committee on State Affairs.

No. 343, A. To committee on Education and Public Welfare.

No. 372, A. To committee on State Affairs.

No. 414, A. To committee on Education and Public Welfare.

No. 419, A. To committee on Education and Public Welfare.

ADJOURNMENT.

Upon motion of Senator Biehler,

The senate adjourned until Monday, March 24, 1913, at 9:00 o'clock p. m.

CLERK'S REPORT.

The Chief Clerk records:

No. 70, S, and

No. 166, S.,

Correctly enrolled at 1:55 o'clock p. m.

MONDAY, MARCH 24, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president and the president pro tempore being absent,

The senate was called to order by the assistant chief clerk.

Upon motion of Senator Hoyt,

Senator Scott was elected to preside for this session.

Prayer was offered by the Rev. G. A. Joslin, retired M. E. minister of Madison, Wis.

Upon motion of Senator Skogmo,

The calling of the roll was dispensed with.

The journal of Friday, March 21, 1913, was approved.

PETITIONS.

- Pet. No. 306, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 307, S. By Senator True. To committee on Education and Public Welfare.
- Pet. No. 308, S. By Senator True. To committee on Education and Public Welfare.
- Pet. No. 309, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 310, S. By Senator Skogmo. To committee on Finance.
- Pet. No. 311, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 312, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 313, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 314, S. By Senator Huber. To committee on State Affairs.

- Pet. No. 315, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 316, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 317, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 318, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 319, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 320, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 321, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 322, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 323, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 324, S. By Senator Bishop. To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT—

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **253, A.**,
No. **274, A.**,
No. **321, A.**,
No. **425, A.**,
No. **550, A.**,
No. **807, A.**,
No. **814, A.**, and
No. **847, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **253, A.** To committee on Judiciary.

No. **274, A.** To committee on Judiciary.

No. **321, A.** To committee on Education and Public Welfare.

No. **425, A.** To committee on Education and Public Welfare.

No. **550, A.** To committee on Finance.

No. **807, A.** To committee on Judiciary.

No. **814, A.** To committee on Judiciary.

No. **847, A.** To committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **250, S.,**

No. **299, S.,** and

No. **300, S.,**

Were each severally ordered engrossed and read a third time.

No. **415, S.,**

Was read a second time and ordered engrossed and read a third time.

No. **161, S.,**

No. **232, S.,**

No. **366, S.,**

No. **367, S.,** and

No. **382, S.,**

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **233, A.,**

No. **239, A.,** and

No. **275, A.,**

Were each severally ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **164, S.,**

No. **329, S.,** and

No. **379, S.,**

Were each severally read a third time, and passed.

No. **171, A.,**

No. **179, A.,**

No. **182, A.,**

No. **366, A.,** and

No. **373, A.,**

Were each severally read a third time, and concurred in.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **7, S.**,

No. **29, S.**,

No. **36, S.**, and

No. **137, S.**,

Correctly enrolled at 8:25 o'clock p. m.

TUESDAY, MARCH 25, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. G. A. Joslin.

The roll was called and the following senators answered to their names:

Present—Senators Ackley, Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—25.

Absent—Senators Bichler, Burke, Martin H. C., Perry, Richards, Snover, and Weigle—7.

The journal of yesterday was approved.

PETITIONS.

Pet. No. 325, S. By Senator White. To committee on Education and Public Welfare.

Pet. No. 326, S. By Senator Scott. To committee on State Affairs.

Pet. No. 327, S. By Senator Scott. To committee on Finance.

Pet. No. 328, S. By Senator Scott. To committee on Finance.

Pet. No. 329, S. By Senator Scott. To committee on Finance.

Pet. No. 330, S. By Senator Scott. To committee on Education and Public Welfare.

Pet. No. 331, S. By Senator Scott. To committee on Finance.

Pet. No. 332, S. By Senator Scott. To committee on Finance.

Pet. No. 333, S. By Senator Scott. To committee on Finance.

Pet. No. 334, S. By Senator Scott. To committee on Education and Public Welfare.

- Pet. No. 335, S. By Senator Albers. To committee on State Affairs.
- Pet. No. 336, S. By Senator Albers. To committee on State Affairs.
- Pet. No. 337, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 338, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 339, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 340, S. By Senator Kellogg. To committee on State Affairs.
- Pet. No. 341, S. By Senator Kellogg. To committee on State Affairs.
- Pet. No. 342, S. By Senator Linley. To committee on State Affairs.
- Pet. No. 343, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 344, S. By Senator True. To committee on State Affairs.
- Pet. No. 345, S. By Senator Tomkins. To committee on Education and Public Welfare.
- Pet. No. 346, S. By Senator Tomkins. To committee on State Affairs.
- Pet. No. 347, S. By Senator Tomkins. To committee on State Affairs.
- Pet. No. 348, S. By Senator Hoyt. To committee on State Affairs.
- Pet. No. 349, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 350, S. By Senator Bishop. To committee on Finance.
- Pet. No. 351, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 352, S. By Senator Scott. To committee on Finance.
- Pet. No. 353, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 354, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 355, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 356, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 357, S. By Senator Randolph. To committee on State Affairs.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **27, A.**,
No. **497, A.**,
No. **519, A.**, and
No. **1065, A.**

And has concurred in
No. **243, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **27, A.** To committee on Judiciary.

No. **497, A.** To committee on Education and Public Welfare.

No. **519, A.** To committee on Education and Public Welfare.

No. **1065, A.** To calendar.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **103, S.**

Upon motion of Senator Linley,
Laid over until Thursday, March 27, 1913,

No. **124, S.**

Substitute amendment No. 2, S., rejected.

Amendment No. 3, S., adopted.

No. **124, S.**, as amended,

Was ordered engrossed and read a third time.

No. **180, S.**

Amendment No. 1, S., adopted.

No. **180, S.**, as amended,

Was ordered engrossed and read a third time.

No. **187, S.**

Amendment No. 1, S., adopted.

No. **187, S.**, as amended,

Was ordered engrossed and read a third time.

No. **237, S.**

Amendment No. 1, S., adopted.

No. **237, S.**, as amended,

Was ordered engrossed and read a third time.

No. 273, S.

Upon motion of Senator A. E. Martin,
Re-referred to committee on Corporations.

No. 286, S.

Substitute amendment No. 1, S., adopted.

No. 286, S., as amended,

Was ordered engrossed and read a third time.

No. 370, S.,

Was ordered engrossed and read a third time.

No. 371, S.

Amendment No. 1, S., adopted.

No. 371, S., as amended,

Was ordered engrossed and read a third time.

No. 390, S.

Amendment No. 1, S., adopted.

No. 390, S., as amended,

Was ordered engrossed and read a third time.

No. 157, S.,

A bill to create section 4281n of the statutes, relating to expenses in actions against county, town, city or village officers.

Amendment No. 1, S., adopted.

No. 157, S., as amended.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 17; absent or not voting, 7, as follows:

Ayes—Senators Bishop, Bosshard, Kileen, Linley, Martin A. E., Tomkins, Weissleder, and White—8.

Noes—Senators Ackley, Albers, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, True, and Zophy—17.

Absent or not voting—Senators Bichler, Burke, Martin H. C., Perry, Richards, Snover, and Weigle—7.

So the senate refused to indefinitely postpone the bill and thereby ordering it engrossed and read a third time.

No. 206, S.

Upon motion of Senator White,

Re-referred to committee on State Affairs.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

Read a second time.

No. 78, A.

Amendment No. 1, S., adopted.

No. 78, A., as amended,

Was ordered to a third reading.

No. **201, A.**

Senator Zophy offered amendment No. 1, S.,
Which amendment was adopted.

No. **201, A.**, as amended,
Was ordered to a third reading.

No. **154, A.**,

No. **248, A.**,

No. **303, A.**,

No. **440, A.**,

Were each severally ordered to a third reading.

No. **433, A.**,

Was refused a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **105, S.**,

A bill to create section 560u of the statutes, relating to dances given by classes or other similar organizations in educational institutions,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 17; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Bosshard, Cunningham, Hoyt, Husting, Randolph, Teasdale, and Weissleder—8.

Noes—Senators Albers, Bishop, Culbertson, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Monk, Scott, Skogmo, Stevens, Tomkins, True, White, and Zophy—17.

Absent or not voting—Senators Bichler, Burke, Martin H. C., Perry, Richards, Snover, and Weigle—7.

And so the senate refused to pass the bill.

No. **333, S.**,

Was read a third time, and passed.

MOTION.

Senator Zophy moved that No. **103, S.**, be re-referred to the committee on Judiciary.

Senator Randolph rose to a point of order, stating that the vote by which the bill was laid over until Thursday, March 27, 1913, must first be reconsidered before Senator Zophy's motion was in order.

The president held the point of order well taken.

Senator Zophy then moved that the vote by which No. **103, S.**, was laid over until Thursday, March 27, 1913, be reconsidered.

Senator Zophy, with unanimous consent, withdrew his motion.

RECESS.

Upon motion of Senator Randolph,
The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. 1, S., and

No. 25, S.,

Correctly enrolled at 9:50 o'clock a. m.

BILLS FOR REVISION.

Senator Hoyt filed one bill for revision at the chief clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

The committee on Legislative Procedure reports and recommends introduction of bill bearing revision No. 444.

OTTO BOSSHARD,
Acting Chairman.

BILLS INTRODUCED.

No. 421, S. (Revision No. 444). By Committee on Judiciary.
To committee on Judiciary.

PETITIONS.

Pet. No. 358, S. By Senator A. E. Martin. To committee on State Affairs.

Pet. No. 359, S. By Senator Teasdale. To committee on Education and Public Welfare.

Pet. No. 360, S. By Senator Teasdale. To committee on Education and Public Welfare.

- Pet. No. 361, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 362, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 363, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 364, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 365, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 366, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 367, S. By Senator Linley. To committee on Education and Public Welfare.
- Pet. No. 368, S. By Senator Randolph. To committee on State Affairs.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **291, S.**,
No. **403, S.**,
No. **405, S.**, and
No. **406, S.**,
Passage.
No. **441, A.**,
Concurrence.

OTTO BOSSHARD,
Chairman.

The committee on State Affairs report and recommend:.

No. **402, S.**,
No. **409, S.**, and
No. **410, S.**,
Passage.
No. **432, A.**,
Adoption of amendment No. 1 S., and concurrence..
No. **470, A.**,
No. **511, A.**, and
No. **608, A.**,
Concurrence.
No. **516, A.**,
Non-concurrence.
No. **637, A.**,
Adoption of amendment No. 1, S., and concurrence.

No. **652, A.**,

Adoption of amendment No. 1, S., and concurrence.

M. F. WHITE,

Chairman.

The committee on Judiciary report and recommend:

No. **271, A.**,

Concurrence, Senator Kileen dissenting.

E. F. KILEEN,

Chairman.

Upon motion of Senator Randolph,

All rules interfering, were suspended with unanimous consent, and No. **271, A.**, was placed upon its final concurrence at this time.

No. **271, A.**,

A bill to amend subsection 1 of section 2441 of the statutes and sections 2 and 3 of chapter 3 of the laws of 1907, relating to elections and terms of office of county judges,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 10; absent or not voting, 10, as follows:

Ayes—Senators Bosshard, Cunningham, Glenn, Huber, Husting, Linley, Martin A. E., Randolph, Stevens, Tomkins, Weigle, and Weissleder—12.

Noes—Senators Albers, Culbertson, Kellogg, Kileen, Scott, Skogmo, Teasdale, True, White, and Zophy—10.

Absent or not voting—Senators Ackley, Bichler, Bishop, Burke, Hoyt, Martin H. C., Monk, Perry, Richards, and Snover—10.

And so the bill was concurred in.

ADJOURNMENT.

Upon motion of Senator Randolph,

The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **124, S.**,

No. **157, S.**,

No. **180, S.**,

No. **187, S.**,

No. **237, S.**,

No. **286, S.**,

No. **371, S.**, and

No. **390, S.**,

Correctly engrossed, and

No. **54, S.**, and

Jt. Res. No. 26, S.,

Correctly enrolled at 7:20 o'clock p. m.

WEDNESDAY, MARCH 26, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. G. A. Joslin.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Absent—Senators Martin H. C. and Richards—2.

The journal of yesterday was approved.

MOTIONS.

Senator Snover moved that the vote by which No. **105, S.**, was refused passage, be reconsidered.

Senator Randolph rose to a point of order, that Senator Snover being absent at the time when the vote on No. **105, S.**, was taken, cannot move a reconsideration, he not having voted with the majority under rule 73.

The president held the point of order well taken.

Senator Snover, with unanimous consent, withdrew his motion.

Senator Bosshard moved that the president appoint a committee of conference on taking an election recess,

Which motion prevailed.

The president appointed as such committee on part of the senate, Senators Bosshard, Burke and Snover.

The committee on Legislative Procedure report and recommend the introduction of bill bearing revision number 443.

OTTO BOSSHARD,
Acting Chairman.

The bill was read by title only and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **422, S.** (Revision No. 443). By Committee on Judiciary.
To committee on Judiciary

PETITIONS.

- Pet. No. 369, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 370, S. By Senator Stevens. To committee on Finance.
- Pet. No. 371, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 372, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 373, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 374, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 375, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 376, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 377, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 378, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 379, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 380, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 381, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 382, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 383, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 384, S. By Senator Albers. To committee on Education and Public Welfare.
- Pet. No. 385, S. By Senator Albers. To committee on State Affairs.

- Pet. No. 386, S. By Senator Monk. To committee on Education and Public Welfare.
- Pet. No. 387, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 388, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 389, S. By Senator True. To committee on State Affairs.
- Pet. No. 390, S. By Senator True. To committee on State Affairs.
- Pet. No. 391, S. By Senator True. To committee on State Affairs.
- Pet. No. 392, S. By Senator True. To committee on State Affairs.
- Pet. No. 393, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 394, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 395, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 396, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 397, S. By Senator Snover. To committee on State Affairs.
- Pet. No. 398, S. By Senator Snover. To committee on Education and Public Welfare.
- Pet. No. 399, S. By Senator Snover. To committee on State Affairs.
- Pet. No. 400, S. By Senator Snover. To committee on State Affairs.
- Pet. No. 401, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 402, S. By Senator Glenn. To committee on State Affairs.
- Pet. No. 403, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 404, S. By Senator Bishop. To committee on State Affairs.
- Pet. No. 405, S. By Senator Scott. To committee on Finance.
- Pet. No. 406, S. By Senator Scott. To committee on Finance.
- Pet. No. 407, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 408, S. By Senator Scott. To committee on State Affairs.

HON. F. M. WYLIE,
Chief Clerk, Senate,

Dear Sir: The following resolution was adopted by the assembly:

"WHEREAS, There is pending before the senate, bill No. **225**, **S.**, same being a bill extending the right of suffrage to women,
Be it hereby resolved by the assembly, That the senate be extended an invitation to meet in joint session with the assembly in the assembly chamber at seven-thirty o'clock p. m. on Wednesday, March 26, for the purpose of discussing the proposed reference of extending the right of suffrage to women, at the general election of 1914."

Very truly yours,
 C. E. SHAFFER,
 Chief Clerk.

Upon motion of Senator Glenn,
 The senators accepted the invitation of the assembly to attend a hearing and discussion of the proposed referendum of extending the right of suffrage to women in the assembly chamber at 7:30 o'clock p. m. today.

MARCH 26, 1913.

CHIEF CLERK, *Senate,*
 Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative agents or counsel since last report.

Very truly yours,
 J. S. DONALD,
 Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Wm. H. Brigham, Crandon, Wis., representing Forest County upon legislation affecting Forest County.

Max W. Babb, 634 Prospect Ave., Milwaukee, representing Receiver for Allis-Chalmers Company, Milwaukee, upon legislation affecting Allis-Chalmers Co. and receiver.

Chas. Barry, 76 W. Monroe St., Chicago, representing Mgr. the Penna. Fire Ins. Co., upon insurance matters.

A. E. Costello, M. D., C. M., Spooner, Wis., representing City of Spooner, upon public utility.

W. B. Flickinger, Erie, Pa., representing Asst. Genl. Agent, Philadelphia Underwriters, upon insurance.

Geo. W. Goodman, 111 Mason St., Milwaukee, representing T. E. Brennan Co., 111 Mason St., Milwaukee, upon No. **907, A.**, and on all legislation affecting insurance.

- Geo. W. Harmon, Spooner, Wis., representing City of Spooner, upon Public Utility.
- F. E. Greene, Janesville, Wis., representing Wis. Master Plumbers' Assn. upon No. **866, A.**
- S. V. Hanley, Prest., 857 Cambridge Ave., Milwaukee, representing Wis. Master Plumbers' Assn. upon No. **866, A.**
- S. W. Jenness, 19 Main St., Rochester, N. Y., representing himself upon Insurance.
- G. F. Reeke, Green Bay, Wis., representing himself upon No. **866, A.**
- J. O. Sherman, Crandon, Wis., representing Forest County, upon all Matters affecting Forest County.
- H. G. Sears, Elks Club House, Madison, representing himself upon all Matters pertaining to Unfair Practices in the Seed Trade of Wisconsin.
- J. Schuh, 1120 Vliet St., Milwaukee, representing Wis. Master Plumbers' Assn., upon No. **866, A.**
- Louis Sonntag, Secy., 1101 No. 8th St., Sheboygan, representing Wis. Master Plumbers' Assn., upon No. **866, A.**
- John H. Soddart, 100 William St., New York City, representing himself upon Fire Insurance.
- Paul F. Wenzel, Asst. Secy., 542 National Ave., Milwaukee, representing Badger Mutual Fire Ins. Co., Milwaukee, upon Insurance.
- Geo. G. Williams, 328 Wells Bldg., Milwaukee, representing himself upon Fire Insurance.
- Wm. Ross Wilson, 114—16 Mason St., Milwaukee, representing Milwaukee Board of Fire Underwriters, Mitchell Bldg., upon Insurance.
- Chas. H. Yunker, 442—4 E. Water St., Milwaukee, representing himself upon Insurance.
- W. D. Corrigan, 625 Caswell Bldg., Milwaukee, representing W. L. Gold, upon No. **198, S.**
- W. L. Gold, 639, Hacket Ave., Milwaukee, representing himself upon No. **198, S.**
- J. F. Martin, Green Bay, Wis., representing Master Plumbers State Assn. of Wis., and Wis. State Assn. of Journeyman Plumbers upon Plumbing.
- Sam Williams, Dist. Atty., Hayward, Wis., representing the Proposed Towns of Draper and Edgewater, upon Divisions of Towns.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has amended and concurred in, as amended,

Amendment No. 1, S. to 96, A.

28—S. J.

Has passed, and asks concurrence in,

No. **297, A.**,

No. **580, A.**,

No. **613, A.**,

No. **618, A.**,

No. **704, A.**,

No. **731, A.**,

No. **732, A.**, and

No. **733, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **297, A.** To committee on Education and Public Welfare.

No. **580, A.** To committee on State Affairs.

No. **613, A.** To committee on Corporations.

No. **618, A.** To committee on Corporations.

No. **704, A.** To Calendar.

No. **731, A.** To committee on State Affairs.

No. **732, A.** To Calendar.

No. **733, A.** To Calendar.

MOTIONS CONSIDERED.

No. **48, S.**

Upon motion of Senator Ackley,
Placed at the foot of today's calendar.

No. **211, S.**

The question was, Shall the vote by which the bill was refused to be ordered engrossed and read a third time, be reconsidered?

A division was called for and the senate refused to reconsider the vote.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **31, S.**

Substitute amendment No. 1, S., adopted.

No. **31, S.**, as amended,

Was ordered engrossed and read a third time.

No. **134, S.**

Amendment No. 1, S., adopted.

No. **134, S.**, as amended,

Was ordered engrossed and read a third time.

No. 143, S.

Substitute amendment No. 1, S., adopted.

No. 143, S., as amended,

Was ordered engrossed and read a third time.

No. 265, S.,

Was ordered engrossed and read a third time.

No. 331, S.

Amendment No. 1, S., adopted.

No. 331, S., as amended,

Was ordered engrossed and read a third time.

No. 22, S., and**No. 149, S.**

Upon motion of Senator Kileen.

Re-referred to committee on Judiciary.

No. 46, S.,

Was indefinitely postponed.

No. 162, S..

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 5; noes, 24; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Glenn, Linley, Scott, and Teasdale—5.

Noes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Hustling, Kellogg, Kileen, Martin A. E., Monk, Perry, Randolph, Skogmo, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—24.

Absent or not voting—Senators Martin H. C., Richards, and Snover—3.

And so the senate refused to adopt the amendment.

No. 162, S.,

A bill to create sections 1565c—1 to 1565c—14, inclusive, of the statutes, providing for county option elections relative to the traffic in intoxicating liquors.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 25; noes, 4; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Martin A. E., Monk, Perry, Randolph, Skogmo, Stevens, Tomkins, Weigle, Weissleder, White, and Zophy—25.

Noes—Senators Linley, Scott, Teasdale, and True—4.

Absent or not voting—Senators Martin H. C., Richards, and Snover—3.

And so the bill was indefinitely postponed.

No. 221, S.

Senator Teasdale offered amendment No. 1, S.,

Which amendment was adopted.

Senator Randolph offered amendment No. 2, S.,

Which amendment was adopted.

No. **221, S.**, as amended,

A bill to amend section 1553 of the statutes, relating to the sale of intoxicating liquors.

The question was, Shall the bill be indefinitely postponed.

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 17; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Bishop, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Perry, Stevens, Weissleder, White, and Zophy—12.

Noes—Senators Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Husting, Linley, Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and Weigle—17.

Absent or not voting—Senators Martin H. C., Richards, and Snover—3.

And so the senate refused to indefinitely postpone the bill, thereby ordering it engrossed and read a third time.

Senator Bosshard asked that all rules interfering be suspended, with unanimous consent, and that No. **221, S.**, be placed upon its final passage at this time.

Senator White objected.

Senator Bosshard then moved that all rules interfering be suspended, and that No. **221, S.**, be placed upon its final passage at this time.

The question was, Shall the rules be suspended, and No. **221, S.**, be placed upon its final passage?

The ayes and noes were required, and the vote was: Ayes, 15; noes, 14; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Glenn, Husting, Linley, Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, and Zophy—15.

Noes—Senators Albers, Bichler, Bishop, Burke, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Perry, Stevens, Weissleder, and White—14.

Absent or not voting—Senators Martin, H. C., Richards, and Snover—3.

And so the senate refused to suspend the rules.

No. **234, S.**

A bill to amend subsection 5 of section 1636—47 of the statutes, relating to the fee for registration of automobiles.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 22; noes, 7; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bishop, Burke, Culbertson, Cunningham, Huber, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, White, and Zophy—22.

Noes--Senators Bichler, Bosshard, Glenn, Hoyt, Husting, Randolph, and Teasdale—7.

Absent or not voting—Senators Martin H. C., Richards, and Weissleder—3.

And so the bill was indefinitely postponed.

No. **236, S.**, and

No. **315, S.**,

Were each severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

No. **89, A.**]

Upon motion of Senator Bishop,

Laid over until Friday, March 28, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **125, S.**,

A bill to amend subsection 3 of section 925m—307, relating to the removal of city officers by recall,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 23; noes, 6; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Husting, Kellogg, Martin A. E., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and White—23.

Noes—Senators Huber, Kileen, Linley, Randolph, Weigle, and Zophy—6.

Absent or not voting—Senators Burke, Martin H. C., and Richards—3.

And so the bill was passed.

No. **135, S.**,

Senator Tomkins, with unanimous consent, offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 17; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bosshard, Glenn, Husting, Kellogg, Linley, Randolph, Scott, Skogmo, Snover, Stevens, Tomkins, and White—13.

Noes—Senators Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Hoyt, Huber, Kileen, Martin A. E., Monk, Perry, Teasdale, True, Weigle, Weissleder, and Zophy—17.

Absent or not voting—Senators Martin H. C. and Richards—2.

And so the senate refused to adopt the amendment.

No. 135, S.

A bill to create section 3444m of the statutes, relating to inn keepers,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 11; noes, 19; absent or not voting, 2, as follows:

Ayes—Senators Albers, Bosshard, Burke, Huber, Hustling, Kellogg, Monk, Perry, Randolph, Teasdale, and True—11.

Noes—Senators Ackley, Bichler, Bishop, Culbertson, Cunningham, Glenn, Hoyt, Kileen, Linley, Martin A. E., Scott, Skogmo, Snover, Stevens, Tomkins, Weigle, Weissleder, White, and Zophy—19.

Absent or not voting—Senators Martin H. C. and Richards—2.

And so the senate refused to pass this bill.

Senator Bosshard moved that the vote by which No **271, A.**, was concurred in be reconsidered, and that the motion be placed at the foot of today's calendar.

Which motion prevailed.

RECESS.

Upon motion of Senator White.

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.****No. 203, S.,**

A bill to authorize the commissioners of public lands to sell certain lands in Oneida county belonging to the state of Wisconsin.

The ayes and noes were required, and the vote was: Ayes 27, noes, none; absent or not voting, 5, as follows;

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Hustling, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White and Zophy—27.

Noes—None.

Absent or not voting—Senators Bichler, Huber, Martin A. E., Martin H. C., and Richards—5.

And so the bill was passed.

No. 249, S.

Senator Scott, for the committee on Finance, and with unanimous consent, offered amendment No. 1, S.,

Which amendment was adopted.

No. 249, S., as amended.

Upon motion of Senator Bichler,

Laid over until Wednesday, April 9, 1913.

No. 250, S.,

No. 299, S., and

No. 300, S.,

Were each severally read a third time, and passed.

No. 415, S.,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 28; noes, none; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, White, and Zophy—28.

Noes—None.

Absent or not voting—Senators Martin H. C., Richards, Weigle, and Weissleder—4.

And so the bill was passed.

No. 233, A.,

No. 239, A.,

No. 275, A.,

Were each severally read a third time, and concurred in.

PLACED AT FOOT OF CALENDAR.

No. 48, S.

The question was, Shall the vote by which **No. 48, S.**, was ordered engrossed and read a third time, be reconsidered?

Division was called for, and the senate refused to reconsider the vote.

No. 271, A.

A bill to amend subsection 1 of section 2441 of the statutes and sections 2 and 3 of chapter 3 of the laws of 1907, relating to elections and terms of office of county judges.

The question was, Shall the vote by which **No. 271, A.**, was concurred in, be reconsidered?

The ayes and noes were required, and the vote was: Ayes 12, noes, 17; absent or not voting, 3, as follows:

Ayes—Senators Bishop, Bosshard, Culbertson, Kellogg, Ki-
leen, Linley, Scott, Skogmo, Teasdale, True, White, and Zophy
—12.

Noes—Senators Ackley, Bichler, Burke, Cunningham, Glenn,
Hoyt, Huber, Husting, Martin A. E., Monk, Perry, Randolph,
Snover, Stevens, Tomkins, Weigle, and Weissleder—17.

Absent or not voting—Senators Albers, Martin H. C., and
Richards—3.

And so the senate refused to reconsider the vote.

MOTIONS.

No. 506, A.

Upon motion of Senator Tomkins,

All rules interfering were suspended, with unanimous consent,
and No. **506, A.**, was placed upon its final concurrence at this
time.

No. 506, A.,

Was read a third time and concurred in.

Upon motion of Senator Tomkins,

All rules interfering were suspended with unanimous consent,
and No. **506, A.**, was ordered messaged to the assembly at once.

PETITIONS.

Pet. No. 409, S. By Senator A. E. Martin. To committee on
State Affairs.

Pet. No. 410, S. By Senator A. E. Martin. To committee on
State Affairs.

Pet. No. 411, S. By Senator A. E. Martin. To committee on
Education and Public Welfare.

Pet. No. 412, S. By Senator A. E. Martin. To committee on
State Affairs.

Pet. No. 413, S. By Senator Tomkins. To committee on State
Affairs.

Pet. No. 414, S. By Senator Culbertson. To committee on State
Affairs.

Pet. No. 415, S. By Senator Snover. To committee on State
Affairs.

Pet. No. 416, S. By Senator True. To committee on State
Affairs.

Pet. No. 417, S. By Senator True. To committee on State
Affairs.

Pet. No. 418, S. By Senator True. To committee on State Affairs.

Pet. No. 419, S. By Senator True. To committee on State Affairs.

RESOLUTIONS INTRODUCED.

Res. No. 23, S.,

Resolved by the senate, the assembly concurring, That when the legislature adjourn on Friday, March 28th, 1913, it be until Wednesday, April 2nd, 1913, at 10 o'clock a. m.

By Special Committee of Conference on Recess.

Adopted.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **198, S.**,

Indefinite postponement, Senators Bosshard, Kellogg and Skogmo dissenting.

No. **407, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **420, S.**,

Passage.

No. **7, A.**, and

No. **502, A.**,

Non-concurrence.

No. **506, A.**,

No. **523, A.**, and

No. **524, A.**,

Concurrence.

No. **347, S.**,

Indefinite postponement.

OTTO BOSSHARD,
Chairman.

LEAVE OF ABSENCE.

Upon request of Senator A. E. Martin,

Leave of absence was granted to Senator Richards until Wednesday, April 2, 1913.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **31, S.,**

No. **48, S.,**

No. **134, S.,**

No. **143, S.,**

No. **221, S.,** and

No. **331, S.,**

Correctly engrossed, and

No. **243, S.,**

Correctly enrolled at 3:40 o'clock p. m.

THURSDAY, MARCH 27, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. G. A. Joslin.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Absent—Senators Bishop and Skogmo—2.

LEAVE OF ABSENCE.

Upon request of Senator Scott,

Indefinite leave of absence was granted to Senator Bishop.

Upon request of Senator Randolph,

Leave of absence was granted to Senator Skogmo for the remainder of this week.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator White, and with unanimous consent, No. **96, A.**, was taken from tomorrow's calendar and laid over until Wednesday, April 9, 1913.

Senator Linley moved that the vote by which No. **125, S.**, was passed, be reconsidered.

The president held, that, since Senator Linley voted with the minority, he could not move a reconsideration.

Upon request of Senator Ackley, with unanimous consent, No **192, S.**, was recalled from the committee on Corporations.

Senator Ackley offered substitute amendment No. 1, S.

The president held that the amendment could not be received until the bill was on the clerk's desk.

Upon request of Senator Randolph, and with unanimous consent, No. **48, S.**, was taken from tomorrow's calendar and laid over until Wednesday, April 9, 1913.

Upon request of Senator Linley, and with unanimous consent, No. **347, S.**, was taken from tomorrow's calendar and laid over until Wednesday, April 9, 1913.

RESOLUTION INTRODUCED.

Jt. Res. No. 36, S.,

To recall bill No. **243, S.**, from the governor for amendment.

Resolved by the senate, the assembly concurring, That the governor be requested to return bill No. **243, S.**, now in his hands, to the senate for amendment.

By Senator Snover.

Adopted.

The committee on Legislative Procedure report and recommend the introduction of bill bearing revision No. 442.

H. C. MARTIN,

Chairman.

The bill was read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **423, S.** (Revision No. 442). By Senator Hoyt. To committee on Finance.

PETITIONS.

Pet. No. 420, S. By Senator Cunningham. To committee on State Affairs.

Pet. No. 421, S. By Senator Glenn. To committee on State Affairs.

Pet. No. 422, S. By Senator White. To committee on State Affairs.

Pet. No. 423, S. By Senator Stevens. To committee on State Affairs.

- Pet. No. 424, S. By Senator White. To committee on Corporations.
- Pet. No. 425, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 426, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 427, S. By Senator Cunningham. To committee on Education and Public Welfare.
- Pet. No. 428, S. By Senator Cunningham. To committee on State Affairs.
- Pet. No. 429, S. By Senator Burke. To committee on State Affairs.
- Pet. No. 430, S. By Senator Burke. To committee on State Affairs.
- Pet. No. 431, S. By Senator Burke. To committee on State Affairs.
- Pet. No. 432, S. By Senator Burke. To committee on State Affairs.
- Pet. No. 433, S. By Senator Burke. To committee on State Affairs.
- Pet. No. 434, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 435, S. By Senator Snover. To committee on State Affairs.
- Pet. No. 436, S. By Senator Snover. To committee on Corporations,
- Pet. No. 437, S. By Senator True. To committee on Finance.
- Pet. No. 438, S. By Senator Weigle. To committee on State Affairs.
- Pet. No. 439, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 440, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 441, S. By Senator Teasdale. To committee on Finance.
- Pet. No. 442, S. By Senator Bichler. To committee on Education and Public Welfare.
- Pet. No. 443, S. By Senator Scott. To committee on Finance.

COMMUNICATION TO THE SENATE.

MARCH 27, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of joint resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Christian Doerfler, 1238 Wells Bldg., Milwaukee, representing F. O. Phelps, Wells Building, Milwaukee, upon No. **157, A**, County Clerks.

E. T. Fairchild, 308 Caswell Bldg., Milw., representing Trustees Chronic Insane Asylum, Milwaukee, In re County Institutions.

Edwin S. Mack, Milwaukee, representing Wisconsin Railway, Light & Power Co., Wisconsin Public Service Co., Wisconsin Electrical Assn., and Milwaukee Gas Light Co., upon Matters affecting their Interests, and The First National Bank of Milwaukee, Wisconsin National Bank, National Exchange Bank, and Marine National Bank, upon Tax matters.

Robert H. McGlynn, 1033 Wells Bldg., Milwaukee, representing Marshall & Ilsley bank, upon tax matters.

O. B. Ryon, general counsel, 319 Hotel La Salle, Chicago, Ill., representing National Board of Fire Underwriters, 135 William St., New York City, upon fire insurance.

T. C. Richmond, Madison, Wis., representing some business men of Madison, upon No. **1043, A**.

William Sweet, Ladysmith, Wis., representing Jos. Z. Arpin, Atlanta, Wis., upon Division of Town of Atlanta.

T. M. Thomas, Ladysmith, Wis., representing Farmers of Proposed Town of Murry, Rusk Co., upon Organization of Towns.

C. H. Winkenwerder, 410 Chamber of Commerce, Milwaukee, representing Rosenberg & Lieberman, Milwaukee, Wis., upon Seed Legislation.

Jett Adams, Alvin, Wis., representing Forest County, upon all matters pertaining to Forest County.

A. T. Brooks, Atty., Alvin, Wis., representing Forest County, upon matters pertaining to Forest County.

H. G. Karow, State Agent, De Forest, Wis., representing Minneapolis Fire & Marine Ins. Co., Minneapolis, Minn., upon Insurance.

Curtis Powell, Alvin, Wis., representing Forest county, upon all matters pertaining to Forest county.

Wm. Powell, Alvin, Wis., representing Forest county, upon all matters pertaining to Forest county.

Herman C. Schultz, 1403—6th St., Milwaukee, representing City of Milwaukee, upon second choice elections.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **47, S.**,

Adoption of amendment No. 1, S., and passage.

No. **186, S.**,

Adoption of amendment No. 1, S., and passage.

HOWARD TEASDALE,

Chairman.

The committee on Education and Public Welfare report and recommend:

No. **4, A.**,

Concurrence, Senator Teasdale dissenting.

HOWARD TEASDALE,

Chairman.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in Jt. Res. No. 36, S.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **337, A.**,

No. **434, A.**,

No. **522, A.**,

No. **595, A.**,

No. **602, A.**,

No. **604, A.**,

No. **605, A.**,

No. **703, A.**,

No. **726, A.**,

No. **746, A.**,

No. **764, A.**,

No. **800, A.**

And has concurred in

Jt. Res. No. 35, S.

Has non-concurred in

Jt. Res. No. 16, S.

Has amended, and concurred in, as amended,

No. **87, S.**

Has non-concurred in
Paragraph 1, of amendment No. 1, S., to No. **97, A.**

Has concurred in
Paragraph 2 of amendment No. 1, S.
Amendment No. 2, S.
Amendment No. 3, S., and
Amendment No. 4, S. to
No. **97, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **337, A.** To committee on Corporations.

No. **434, A.** To committee on State Affairs.

No. **522, A.** To committee on State Affairs.

No. **595, A.** To committee on Corporations.

No. **602, A.** To committee on Education and Public Welfare.

No. **604, A.** To committee on Education and Public Welfare.

No. **605, A.** To committee on Education and Public Welfare.

No. **703, A.** To committee on Judiciary,

No. **726, A.** To committee on Judiciary.

No. **746, A.** To committee on Judiciary.

No. **764, A.** To committee on Judiciary.

No. **800, A.** To committee on Education and Public Welfare.

STATE OF WISCONSIN,
Executive Chamber.

To the Honorable the, Senate.

Gentlemen: Pursuant to the provisions of Joint Resolution No. 36, S., I return herewith Senate No. **243**, for the purpose of amendment.

Respectfully submitted,
(Signed) FRANCIS MCGOVERN,
Governor.

Madison, Wisconsin, March 27, 1913.

Upon request of Senator Snover, and with unanimous consent, the vote by which No. **243, S.**, was passed, was reconsidered.

No. **243, S.**

Senator Snover offered amendment No. 1, S.,

Which amendment was adopted.

No. **243, S.**, as amended,

Was read a third time, and passed.

Od motion of Senator Snover,
All rules interfering were suspended with unanimous consent,
and
No. **243, S.**, was ordered messaged to the assembly at once.

MOTIONS CONSIDERED.

No. **52, S.**

The vote by which the bill was passed, was reconsidered.

Upon motion of Senator Scott,

No. **52, S.**,

Was laid over until Wednesday, April 9, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **103, S.**

Upon motion of Senator Kileen,

Re referred to committee on Judiciary.

No. **291, S.**,

Was ordered engrossed and read a third time.

No. **402, S.**,

Was read second time, and

Ordered engrossed and read a third time.

No. **403, S.**

Discussion arose between Senators Glenn and Kileen.

Senator Randolph rose to a point of order, that the senators were not addressing the chair and that Senator Kileen had spoken more than twice upon the same question.

The president held the point of order well taken.

No. **403, S.**,

No. **405, S.**,

No. **406, S.**,

No. **409, S.**, and

No. **410, S.**,

Were each severally read a second time and ordered engrossed and read a third time.

Jt. Res. No. 8, S.

Upon motion of Senator Husting,

Laid over until Wednesday, April 9, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **432, A.**,

Amendment No. 1, S., adopted.

No **432, A.**, as amended,

Was ordered to a third reading.

No. **441, A.**,
No. **470, A.**,
No. **511, A.**,
No. **608, A.**, and
No. **1065, A.**,

Were each severally ordered to a third reading.

No. **637, A.**

Amendment No. 1, S., adopted.

No. **637, A.**, as amended,

Was ordered to a third reading.

No. **652, A.**

Amendment No. 1, S., adopted.

No. **652, A.**, as amended,

Was ordered to a third reading.

No. **516, A.**,

Was refused a third reading.

Upon request of Senator Randolph,

All rules interfering, were suspended with unanimous consent,
and

No. **1065, A.**,

Was placed upon its final concurrence at this time.

No. **1065, A.**,

A bill to appropriate to James Larsen, member of the assembly
from Marinette county, a certain sum of money as salary and
mileage,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 28;
noes, none; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—28.

Noes—None.

Absent or not voting—Senators Pishop, Martin H. C., Skogmo,
and White—4.

And so the bill was concurred in.

Upon motion of Senator Randolph,

All rules interfering, were suspended with unanimous consent,
and No. **1065, A.**, was ordered messaged to the assembly at once.

No. **192, S.**,

Lie upon the chief clerk's desk.

Senator Ackley, with unanimous consent, offered substitute
amendment No. 1, S.

No. **192, S.**, and pending amendment,
Upon motion of Senator Ackley,
Re-referred to committee on Corporations.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **124, S.**,

Upon motion of Senator Bosshard,
Laid over until Wednesday, April 9, 1913.

No. **157, S.**,

No. **180, S.**,

No. **187, S.**,

No. **286, S.**, and

No. **370, S.**,

Were each severally read a third time, and passed.

No. **237, S.**,

A bill relating to the celebration of the fiftieth anniversary of
the battle of Gettysburg, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 29;
noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Bishop, Linley, and Skogmo—3.
And so the bill was passed.

The chief clerk under rules 32 and 42 makes the following correction in the engrossed bill, No. **237, S.**:
Strike out the word "twelve" where it occurs in the eighth line of section 4 and insert in lieu thereof the word "ten".

No. **371, S.**,

A bill to create section 376p of the statutes, relating to a new edition of the reports of the adjutant general and other official state papers and documents made during and relating to the civil war, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 30;
noes, none; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Noes—None.

Absent or not voting—Senators Bishop and Skogmo—2.

And so the bill was passed.

No. **390, S.**

A bill to appropriate the sum of two thousand dollars for the purpose of building a breastworks and erecting a flagstaff at Camp Randall,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 29; noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Bishop, Perry, and Skogmo—3.

And so the bill was passed.

No. **78, A.**

No. **154, A.**

No. **201, A.**

No. **248, A.**, and

No. **440, A.**,

Were each severally read a third time, and concurred in.

No. **303, A.**

A bill to create section 579p, relating to the training of oral teachers of the deaf and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 29; noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Bishop, Perry, and Skogmo—3.

And so the bill was concurred in.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Weissleder until Saturday, March 29, 1913, and to Senator Monk until Wednesday, April 2nd, 1913.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator Hoyt filed two bills and Senator Tomkins filed one bill for revision at the chief clerk's desk.

7:30 O'CLOCK P. M

The senate was called to order by the president.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend;
No. **421, S.**
Passage.

A. PEARCE TOMKINS,
Acting Chairman.

No. **421, S.**

Upon request of Senator Tomkins,
All rules interfering, were suspended with unanimous consent,
and

No. **421, S.,**

Was placed upon its final passage at this time.

No. **421, S.,**

Was read a third time, and passed.

Upon motion of Senator Tomkins,

All rules interfering, were suspended with unanimous consent,
and No. **421, S.,** was ordered messaged to the assembly at once.

The committee on Education and Public Welfare report and recommend:

No. **126, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **278, S.,**

Adoption of amendment No. 1, S., and passage.

No. **309, S.,**

Adoption of substitute amendment No. 1, S., and passage.

No. **220, S.**, and

No. **276, S.**,

Passage.

No. **216, S.**,

No. **326, S.**,

No. **233, S.**,

No. **262, S.**, and

No. **360, S.**,

Indefinite postponement.

No. **277, S.**,

Indefinite postponement; Senators Martin and Hoyt dissenting.

No. **312, S.**,

Indefinite postponement, Senator Teasdale dissenting.

No. **355, S.**,

Indefinite postponement, Senator Teasdale dissenting.

No. **356, S.**,

Adoption of substitute amendment No. 1, S., and passage, Senator Albers dissenting.

No. **365, S.**,

Indefinite postponement; Senator Martin dissenting.

No. **153, A.**,

Concurrence; Senator Teasdale dissenting.

HOWARD TEASDALE,

Chairman.

ADJOURNMENT.

Upon motion of Senator Scott,

The senate adjourned.

BILLS FOR REVISION.

The committee on Judiciary filed two bills for revision at the chief clerk's desk.

FRIDAY, MARCH 28, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. G. A. Joslin.

On motion of Senator Teasdale,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Tomkins, for the committee on Judiciary,

One thousand copies each of two suggestive amendments were ordered printed.

Upon motion of Senator True,

Three hundred copies of the report of the committee appointed under Jt. Res. No. 27, A., was ordered printed.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers;

Nos. 446, 447.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **424, S.** (Revision No. 446). By Senator Hoyt. To committee on Corporations.

No. **425, S.** (Revision No. 447). By Committee on Judiciary. To committee on Judiciary.

 PETITIONS.

Pet. No. 444, S. By Senator Culbertson. To committee on State Affairs.

Pet. No. 445, S. By Senator Burke. To committee on State Affairs.

Pet. No. 446, S. By Senator Kellogg. To committee on Education and Public Welfare.

Pet. No. 447, S. By Senator Albers. To committee on Education and Public Welfare.

Pet. No. 448, S. By Senator Husting. To committee on State Affairs.

MARCH 28, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Edwd. M. Hyzer, 226 W. Jackson Blvd., Chicago, Ill., representing C. & N. W. Ry. Co., Chicago, Ill., upon Stock and Bond Bills.

Burton Hanson, 1335 Railway Exchange, Chicago, Ill., representing C. M. & St. P. Ry. Co., Chicago, Ill., upon Stock and Bond Bills.

Alfred Humea, 1 Madison Ave., New York, representing Assn. of Life Ins. Presidents, upon all Legislation affecting Legal Reserve Life Ins.

Klemens Borncki, 1008—9th Ave., Milwaukee, representing himself upon No. **947, A.**

Robt. Buerki, Sauk City, Wis., representing village of Sauk City, upon No. **967, A.**

Martin S. Cyboronski, 1007—5th Ave., Milwaukee, representing himself upon No. **947, A.**

Frank H. Cishocki, 871—5th Ave., representing St. Hyacinth Congregation, Milwaukee, upon No. **947, A.**

Stanley E. Czerwinski, 719—20th Ave., Milwaukee, representing St. Vincents, Milwaukee, upon No. **947, A.**

Rev. Michael J. Domachowski, 890 Mitchell St., Milwaukee, representing St. Vincent's Congregation, Milwaukee, upon No. **947, A.**

W. G. Darling, M. D., 508 Goldsmith Bldg., Milwaukee, representing himself upon medical matters.

C. G. Dwight, 215 Pioneer Bldg., Madison, representing himself upon medical matters.

Rev. B. E. Goral, 676 Becher St., Milwaukee, representing St. Hyacinth's Congregation, Milwaukee, upon No. **947, A.**

August M. Gawin, 851—5th Ave., Milwaukee, representing St. Hyacinth's Congregation, Milwaukee, upon No. **947, A.**

Samuel G. Higgins, 1213 Wells Bldg., Milwaukee, representing himself upon medical matters.

Robert Homberger, Sauk City, Wis., representing Village of Sauk City, upon No. **967, A.**

Thos. Kuczynski, 564 Lincoln Ave., Milwaukee, representing himself upon No. **947, A.**

Leo F. Kizlpinski, Milwaukee, representing St. Mary's of Czastochowa, upon No. **947, A.**

E. L. Luther, Rhinelander, Wis., representing City of Rhinelander and vicinity, upon State Normal School.

F. A. Lowell, Rhinelander, Wis., representing City of Rhinelander and vicinity, upon State Normal School.

Chas. Schlungbaum, Sauk City, Wis., representing Village of Sauk City, upon No. **967, A.**

John A. Wedda, 810—8th Ave., Milwaukee, representing himself upon No. **947, A.**

A. G. Weissert, Wells Bldg., Milwaukee, representing himself upon No. **699, A.**

M. P. Walsh, 846 Jackson St., Milwaukee, representing himself upon No. **699, A.**

Wm. Wiener, Sec'y, 208-220 Broadway, Milwaukee, representing Wisconsin State Employers' Ass'n, upon labor laws and general legislation.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **86, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **322, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **255, S.**,

Adoption of amendment No. 1, S., and passage.

No. **395, S.**,

Adoption of amendment No. 1, S., and passage.

No. **306, S.**,

Adoption of amendment No. 1, S., to amendment No. 2, S.

Adoption of amendment No. 2, S., and passage.

No. **388, S.**, and

No. **396, S.**,

Passage.

Jt. Res. No. 9, A.,

Concurrence.

No. **169, A.**,

Non-concurrence.

No. **207, S.**, and

No. **235, S.**,

Indefinite postponement.

A. PEARCE TOMKINS,
Acting Chairman.

Upon motion of Senator Tomkins,
These bills were ordered placed on the calendar of Wednesday,
April 9, 1913.

The committee on Education and Public Welfare report and
recommend;

No. **218, S.**,

Rereference to committee on Finance.

H. TEASDALE,
Chairman.

No. **218, S.**,

Was rereferred to the committee on Finance.

The committee on State Affairs report and recommend:

No. **10, S.**, and

No. **264, S.**,

Indefinite postponement.

No. **98, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **159, A.**,

No. **346, A.**,

No. **500, A.**, and

No. **555, A.**,

Concurrence.

No. **547, A.**,

Adoption of amendment No. 1, S., and concurrence.

M. F. WHITE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in No. **243, S.**

Passed, and asks concurrence in,

No. **325, A.**,

No. **332, A.**,

No. **585, A.**,

No. **620, A.**, and

No. **721, A.**

And has adopted, and asks concurrence in,

Jt. Res. No. 54, A.

And has concurred in

No. **179, S.**, and

Jt. Res. No. 30, S.

And has non-concurred in

Jt. Res. No. 29, S.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **325, A.** To committee on Education and Public Welfare.

No. **332, A.** To committee on State Affairs.

No. **585, A.** To committee on Corporations.

No. **620, A.** To committee on State Affairs.

No. **721, A.** To committee on State Affairs.

Jt. Res. No. 54, A. Concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **407, S.**

Substitute amendment No. 1, S., adopted.

No. **407, S.**, as amended,

Was read second time and ordered engrossed and read a third time.

No. **420, S.**,

Was read a second time and ordered engrossed and read a third time.

Upon motion of Senator Bosshard,

All rules interfering; were suspended with unanimous consent, and

No. **420, S.**,

Was placed upon its final passage at this time.

No. 420, S.,

Was read a third time, and passed.

Upon motion of Senator Bosshard,

All rules interfering were suspended with unanimous consent,

No. 420, S., was ordered messaged to the assembly at once.

No. 198, S.

Upon motion of Senator Bosshard,

Laid over until Wednesday, April 9, 1913.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

No. 89, A.

Upon motion of Senator True,

Laid over until Tuesday, April 8, 1913.

Read second time.

No. 523, A.,

No. 524, A.,

No. 704, A.,

No. 732, A., and

No. 733, A.,

Were each severally ordered to a third reading.

No. 7, A.

Upon motion of Senator Zophy,

Laid over until Thursday, April 10, 1913.

No. 502, A.,

Was refused a third reading.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. 31, S.,

No. 134, S.,

No. 143, S.,

No. 221, S.,

No. 265, S., and

No. 331, S.,

Were each severally read a third time, and passed.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Ackley and Monk
until Saturday, April 5, 1913.

ADJOURNMENT.

Upon motion of Senator Bosshard,
The senate adjourned until Wednesday, April 2, 1913, at 10:00
o'clock a. m.

CLERK'S REPORT.

The chief clerk records:

No. **243, S.**,

Correctly enrolled at 11:10 o'clock a. m.

No. **40, S.**,

Correctly enrolled at 11:24 o'clock a. m.

No. **39, S.**,

Correctly enrolled at 11:50 a. m.

No. **407, S.**,

Correctly engrossed.

WEDNESDAY, APRIL 2, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president and the president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator True,

Senator Glenn was elected to preside for this session.

Prayer was offered by the Rev. I. F. Roach, of the First Methodist Episcopal Church of Madison.

ADJOURNMENT.

Upon motion of Senator Zophy,

The senate adjourned.

THURSDAY, APRIL 3, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president and president pro tempore being absent,
The senate was called to order by the chief clerk.

Upon motion of Senator Teasdale,

Senator Zophy was elected to preside for this session.

Prayer was offered by the Rev. C. F. Reichert.

Upon motion of Senator True,

The calling of the roll was dispensed with.

The journal of yesterday and of Friday, March 28, 1913, were approved.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

No. **373, A.**

And has passed, and asks concurrence in,

No. **13, A.,**

No. **187, A.,**

No. **331, A.,** and

No. **491, A.,**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **13, A.** To committee on Corporations.

No. **187, A.** To committee on State Affairs.

No. **331, A.** To committee on Corporations.

No. **491, A.** To committee on Corporations.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

FRIDAY, APRIL 4, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. L. Benson.

Upon motion of Senator Zophy,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

APRIL 4, 1913.

CHIEF CLERK,

Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,

Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Frank L. McNamara, 800 Pabst Bldg., Milwaukee, representing Settlers of proposed town of Round Lake, Sawyer County, Wis., upon Organization of towns.

J. L. O'Connor, Milwaukee, Wis., representing Arthur Richards, Milwaukee, upon Building Districts in Milwaukee.

Joseph P. Carney, City Treasurer, Milwaukee, representing himself upon Non-Partisan Elections.

W. J. Fairbairn, 106 Mason St., Milw., representing Merchants & Manufacturers' Assn., Wm. Geo. Bruce, Secy., Milwaukee, upon Removal of State Fair.

Theo. H. Jankowski, 912 Racine St., Milwaukee, representing Polish Federation of Milwaukee, upon No. 947, A.

K. K. Kennan, 206 Free Press Bldg., Milwaukee, representing himself upon bill to pay rent of rooms occupied by assessor of incomes, Milwaukee.

D. T. Phalen, Sheboygan, Wis., representing State Retail Liquor Dealers' Assn., Milwaukee, upon general liquor legislation.

Edward J. Reynolds, Madison, Wis., representing Hausmann Brewing Co., upon excise legislation.

Aug. Springob, 711 Booth St., Milwaukee, representing himself upon free text books bill.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 55, A.,

Jt. Res. No. 56, A., and

Jt. Res. No. 57, A.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

No. **17, S.**,

No. **64, S.**

Has non-concurred in

No. **93, S.**

Has amended, and concurred in, as amended,

No. **32, S.**,

No. **117, S.**

Has adopted, and asks concurrence in,

Jt. Res. No. 40, A.,

Has passed, and asks concurrence in,

No. **51, A.**,

No. **87, A.**,

No. **157, A.**,

No. **313, A.**,

No. **369, A.**,

No. **569, A.**,

No. **584, A.**,

No. **688, A.**,

No. **729, A.**,

No. **742, A.**,

No. **747, A.**,

No. **748, A.**,

No. **797, A.**,

No. **799, A.**,

No. **810, A.**,

No. **815, A.**,

No. **816, A.**,

No. **819, A.**,
No. **844, A.**,
No. **852, A.**,
No. **856, A.**,
No. **877, A.**,
No. **969, A.**, and
No. **1039, A.**

ASSEMBLY MESSAGES CONSIDERED.

Jt. Res. No. 55, A.,

Upon the death and public service of J. B. Johnson.

WHEREAS, Death has removed a former member of the assembly, Hon. J. B. Johnson of Montford, Wis., a man of prominence and usefulness in his community, his county and in the state, be it

Resolved by the assembly, the senate concurring, That official notice of Mr. Johnson's death and of his valuable services as a legislator be taken by the adoption of this resolution, a copy of which is to be transmitted to the family of the deceased.

Concurred in.

Jt. Res. No. 56, A. Concurred in.

Jt. Res. No. 57, A. Concurred in.

Read first time and referred.

Jt. Res. No. 40, A. To committee on Judiciary.

No. **51, A.** To committee on Education and Public Welfare.

No. **87, A.** To committee on Corporations.

No. **157, A.** To committee on State Affairs.

No. **313, A.** To committee on Corporations.

No. **369, A.** To committee on Corporations.

No. **569, A.** To committee on Education and Public Welfare.

No. **584, A.** To committee on Corporations.

No. **688, A.** To special committee on Insurance.

No. **729, A.** To committee on Corporations.

No. **742, A.** To committee on Corporations.

No. **747, A.** To committee on Corporations.

No. **748, A.** To committee on State Affairs.

No. **797, A.** To committee on Education and Public Welfare.

No. **799, A.** To committee on Education and Public Welfare.

No. **810, A.** To committee on Corporations.

No. **815, A.** To committee on Corporations.

No. **816, A.** To committee on Corporations.

- No. **819, A.** To committee on Education and Public Welfare.
No. **844, A.** To committee on State Affairs.
No. **852, A.** To committee on Education and Public Welfare.
No. **856, A.** To committee on Education and Public Welfare.
No. **877, A.** To committee on Education and Public Welfare.
No. **969, A.** To committee on State Affairs.
No. **1039, A.** To committee on State Affairs.
-

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned until Monday, April 7, 1913, at 9:00
o'clock p. m.

CLERK'S REPORT.

The chief clerk records:
Jt. Res. No. 30, S.,
No. **179, S.**, and
No. **191, S.**,
Correctly enrolled at 1:50 o'clock p. m.

MONDAY, APRIL 7, 1913.

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. R. Murton of New Lisbon.

The roll was called and the following senators answered to their names:

Senators Ackley, Bishop, Bosshard, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, White, and Zophy—23.

Absent—Senators Albers, Bichler, Burke, Cunningham, Martin A. E., Richards, Tomkins, Weigle, and Weissleder—9.

The journal of Friday, April 4, was approved.

MOTIONS.

Upon motion of Senator Ackley,

No. **409, S.**,

Was placed at the foot of the calendar.

BILLS INTRODUCED.

Read first time and referred.

No. **426, S.** (Revision No. 268). By Senator Glenn. To committee on Finance.

PETITIONS.

Pet. No. 449, S. By Senator Teasdale. To committee on State Affairs.

Pet. No. 450, S. By Senator Teasdale. To committee on Finance.

Pet. No. 451, S. By Senator Teasdale. To committee on Finance.

- Pet. No. 452, S. By Senator Teasdale. To committee on State Affairs.
- Pet. No. 453, S. By Senator Kellogg. To committee on Finance.
- Pet. No. 454, S. By Senator Skogmo. To committee on Judiciary,
- Pet. No. 455, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 456, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 457, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 458, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 459, S. By Senator Skogmo. To committee on Corporations.
- Pet. No. 460, S. By Senator Skogmo. To committee on Education and Public Welfare.
- Pet. No. 461, S. By Senator True. To committee on Judiciary.
- Pet. No. 462, S. By Senator True. To committee on Corporations.
- Pet. No. 463, S. By Senator Huber. To committee on Education and Public Welfare.
- Pet. No. 464, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 465, S. By Senator Glenn. To committee on Corporations.
- Pet. No. 466, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 467, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 468, S. By Senator Glenn. To committee on State Affairs.
- Pet. No. 469, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 470, S. By Senator Stevens. To committee on State Affairs.
- Pet. No. 471, S. By Senator Bosshard. To committee on Education and Public Welfare.
- Pet. No. 472, S. By Senator Bosshard. To committee on State Affairs.

- Pet. No. 473, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 474, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 475, S. By Senator Bosshard. To committee on State Affairs.
- Pet. No. 476, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 477, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 478, S. By Senator H. C. Martin. To committee on Education and Public Welfare.
- Pet. No. 479, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 480, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 481, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 482, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 483, S. By Senator Zophy. To committee on State Affairs.
- Pet. No. 484, S. By Senator Linley. To special committee on Conservation.
- Pet. No. 485, S. By Senator Linley. To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **581, A.**,

ASSEMBLY MESSAGE CONSIDERED.

Upon request of Senator Culbertson, and with unanimous consent,

No. **581, A.**,

Was placed upon its concurrence at this time.

No. **581, A.**,

Was read a third time, and concurred in.

Upon request of Senator Culbertson, and with unanimous con-

No. **581, A.**,

Was ordered messaged to the assembly at once.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **359, A.**,
No. **362, A.**,
No. **368, A.**,
No. **370, A.**,
No. **551, A.**,
No. **745, A.**,
No. **862, A.**,
No. **918, A.**,
No. **932, A.**,
No. **981, A.**,
No. **996, A.**,
No. **1018, A.**, and
No. **1052, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **359, A.** To committee on State Affairs.
No. **362, A.** To committee on Judiciary.
No. **368, A.** To committee on Judiciary.
No. **370, A.** To committee on Corporations.
No. **551, A.** To committee on Corporations.
No. **745, A.** To committee on Corporations.
No. **862, A.** To committee on Judiciary.
No. **918, A.** To committee on Corporations.
No. **932, A.** To committee on Judiciary.
No. **981, A.** To committee on Judiciary.
No. **996, A.** To committee on Judiciary.
No. **1018, A.** To committee on State Affairs.
No. **1052, A.** To committee on State Affairs.

BILLS READY FOR ENGROSSMENT.

No. **255, S.**,
Amendment No. 1, S., adopted.
No. **255, S.**, as amended.
Ordered engrossed and read a third time.

No. **276, S.**,

No. **388, S.**, and

No. **396, S.**, which was read a third time and passed.

Were each severally ordered engrossed and read a third time.

No. **235, S.**

Substitute amendment No. 1, S., was offered by Senator Teasdale, and the bill was laid over till Wednesday, April 9, under the rules.

No. **207, S.**,

No. **216, S.**,

No. **233, S.**,

No. **262, S.**, and

No. **326, S.**,

Were each severally indefinitely postponed.

No. **360, S.**,

Re-referred to committee on Education and Public Welfare.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time,

Jt. Res. No. 9, A.

Ordered to a third reading.

No. **169, A.**,

Re-referred to committee on Judiciary.

BILLS AND RESOLUTIONS]READY FOR THIRD A READING.

No. **291, S.**,

No. **402, S.**,

No. **403, S.**,

No. **405, S.**,

No. **406, S.**,

No. **407, S.**, and

No. **410, S.**

Were each severally read a third time and passed.

No. **441, A.**,

No. **470, A.**,

No. **511, A.**,

No. **523, A.**,

No. **524, A.**, and

No. **608, A.**,

Were each severally read a third time and concurred in.

No. **409, S.**

Senator Husting, with unanimous consent, offered amendment No. 1, S., which was adopted.

Senator Ackley, with unanimous consent, offered amendment No. 2, S., which was adopted.

No. 409, S., as amended,

Was read a third time and passed.

ADJOURNMENT.

Upon motion of Senator Husting,

The senate adjourned.

TUESDAY, APRIL 8, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. R. Murton.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Absent—Senators Cunningham and Richards—2.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,

Leave of absence was granted to Senator Richards for this session.

The journal of yesterday was approved.

PETITIONS.

Pet. No. 486, S. By Senator Husting. To committee on State Affairs.

Pet. No. 487, S. By Senator Bishop. To committee on State Affairs.

Pet. No. 488, S. By Senator Bishop. To committee on Education and Public Welfare.

Pet. No. 489, S. By Senator Tomkins. To committee on State Affairs.

Pet. No. 490, S. By Senator Tomkins. To committee on State Affairs.

- Pet. No. 491, S. By Senator Tomkins. To committee on State Affairs.
- Pet. No. 492, S. By Senator Snover. To committee on State Affairs.
- Pet. No. 493, S. By Senator True. To committee on Education and Public Welfare.
- Pet. No. 494, S. By Senator Huber. To committee on State Affairs.
- Pet. No. 495, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 496, S. By Senator Randolph. To committee on State Affairs.
- Pet. No. 497, S. By Senator Scott. To committee on Finance.
- Pet. No. 498, S. By Senator Scott. To committee on Finance.
- Pet. No. 499, S. By Senator Scott. To committee on Finance.
- Pet. No. 500, S. By Senator Scott. To committee on Finance.
- Pet. No. 501, S. By Senator Scott. To committee on Finance.
- Pet. No. 502, S. By Senator Scott. To committee on Finance.
- Pet. No. 503, S. By Senator Scott. To committee on Finance.
- Pet. No. 504, S. By Senator Scott. To committee on Finance.
- Pet. No. 505, S. By Senator Scott. To committee on Finance.
- Pet. No. 506, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 507, S. By Senator Scott. To committee on Corporations.
- Pet. No. 508, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 509, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 510, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 511, S. By Senator Scott. To committee on Education and Public Welfare.
- Pet. No. 512, S. By Senator Scott. To committee on State Affairs.
- Pet. No. 513, S. By Senator Culbertson. To committee on State Affairs.
- Pet. No. 514, S. By Senator Linley. To committee on State Affairs.
- Pet. No. 515, S. By Senator Culbertson. To committee on Finance.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. 128, S.,

Adoption of substitute amendment No. 1, S., and passage.

Jt. Res. No. 18, S.,

Jt. Res. No. 19, S.,

Jt. Res. No. 22, S., and

Jt. Res. No. 24, S.,

Adoption.

Jt. Res. No. 7, S.,

Jt. Res. No. 14, S.,

Jt. Res. No. 25, S., and

Jt. Res. No. 28, S.,

Indefinite postponement.

Jt. Res. No. 20, A.,

Submit and report resolution without recommendation, Senator Burke dissenting because in favor of indefinite postponement.

No. 58, S.,

Adoption of substitute amendment No. 1, S., and passage.

No. 298, S.,

Adoption of substitute amendment No. 1, S., and passage.

E. F. KILEEN,

Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. President:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 58, A.,

Jt. Res. No. 43, A.

Has concurred in

Amendment No. 1, S., to No. 78, A.,

Amendment No. 1, S., to No. 201, A.

Has passed, and asks concurrence in

No. 841, A.,

No. 873, A.,

No. 897, A.,

No. 899, A.,

No. 943, A.,

No. 984, A.,

No. 985, A.,

No. 998, A.

Has ordered returned to senate for roll call

No. 76, S.

Has concurred in
No. **174, S.**

Has amended, and concurred in, as amended,
No. **61, S.**

And has non-concurred in
No. **106, S.**

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **158, A.,**

No. **174, A.,**

No. **344, A.,**

No. **438, A.,**

No. **454, A.,**

No. **646, A.,**

No. **668, A.,**

No. **825, A.,**

No. **835, A.,**

No. **994, A.**

And has concurred in
No. **420, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 58, A. Concurred in by unanimous rising vote.

Jt. Res. No. 43, A. Concurred in.

No. **841, A.** To committee on Corporations.

No. **873, A.** To calendar.

No. **897, A.** To calendar.

No. **899, A.** To committee on State Affairs.

No. **943, A.** To calendar.

No. **984, A.** To calendar.

No. **985, A.** To committee on State Affairs.

No. **998, A.** To committee on State Affairs.

No. **76, S.,**

Was ordered returned to the assembly.

Read first time and reterred.

No. **158, A.** To committee on State Affairs.

No. **174, A.** To committee on Corporations.

No. **344, A.** To committee on State Affairs.

No. **438, A.** To committee on Corporations.

No. **454, A.** To committee on Corporations.

No. **646, A.** To committee on Education and Public Welfare.

No. **668, A.** To committee on State Affairs.

No. **825, A.** To committee on State Affairs.

No. **835, A.** To committee on Education and Public Welfare.

No. **994, A.** To committee on Corporations.

No. **32, S.**

Amendment No. 1, A., concurred in.

No. **87, S.**

Amendment No. 1, A.

Upon motion of Senator Bosshard,

Laid over until Thursday, April 10, 1913.

No. **117, S.**

Amendment No. 1, A., concurred in.

No. **97, A.**

Paragraph No. 1, of amendment No. 1, S.

Senator White moved that the senate adhere to its position and ask for a committee of conference,

Which motion prevailed.

The president appointed as such committee of conference on part of the senate, Senators White, Stevens and Zophy.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **47, S.**

Amendment No. 1, S., adopted.

No. **47, S.**, as amended,

Was ordered engrossed and read a third time.

No. **86, S.**

Substitute amendment No. 1, S., adopted.

No. **86, S.**, as amended,

Was ordered engrossed and read a third time.

No. **186, S.**

Amendment No. 1, S., adopted.

No. **186, S.**, as amended,

Was ordered engrossed and read a third time.

No. **220, S.**,

Was ordered engrossed and read a third time.

No. **278, S.**

Amendment No. 1, S., adopted.

No. **278, S.**, as amended,
Was ordered engrossed and read a third time.

No. **306, S.**

Amendment No. 1, S., to amendment No. 2, S., adopted.

Amendment No. 2, S., as amended, adopted.

No. **306, S.**, as amended,
Was ordered engrossed and read a third time.

No. **309, S.**

Substitute amendment No. 1, S., adopted.

No. **309, S.**, as amended,
Was ordered engrossed and read a third time.

No. **322, S.**

Upon motion of Senator Husting,
Laid over until Thursday, April 10, 1913.

No. **356, S.**

Amendment No. 1, S., adopted.

No. **356, S.**, as amended,
Was ordered engrossed and read a third time.

No. **395, S.**

Amendment No. 1, S., adopted.

No. **395, S.**, as amended,
Was read a second time, and ordered engrossed and read a third time.

No. **277, S.**,

No. **312, S.**,

No. **355, S.**, and

No. **365, S.**,

Were each severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read a second time.

No. **4, A.**,

Was ordered to a third reading.

No. **89, A.**,

Senator Bishop offered amendment No. 1, S.,
Which amendment was adopted.

No. **89, A.**, as amended,
Was ordered to a third reading.

No. **126, A.**

Amendment No. 1, S., adopted.

Senator Skogmo offered amendment No. 2, S.,

Which amendment was adopted.

No. **126, A.**, as amended,

Was ordered to a third reading.

No. **153, A.**,

Was ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **432, A.**,

No. **652, A.**, and

No. **732, A.**,

Were each severally read a third time, and concurred in.

No. **637, A.**,

Upon motion of Senator Burke,

Referred to the committee on Judiciary.

No. **704, A.**,

A bill to create section 392f—5 of the statutes, appropriating a sum of money to eradicate certain diseases amongst animals,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 28; noes, none; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—28.

Noes—None.

Absent or not voting—Senators Cunningham, Martin H. C., Richards, and Weigle—4.

And so the bill was concurred in.

No. **733, A.**,

A bill to amend subsections 2, 3 and 4 of section 1979m of the statutes, relating to state aid to the Wisconsin firemen's association, and making an appropriation.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 29; noes, none; absent or not voting, 3, as follows;

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

31—S. J.

Noes—None.

Absent or not voting—Senators Cunningham, Martin H. C., and Richards—3.

And so the bill was concurred in.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

PETITIONS.

Pet. No. 516, S. By Senator Linley. To committee on Corporations.

Pet. No. 517, S. By Senator Hustung. To committee on Corporations.

Pet. No. 518, S. By Senator Huber. To committee on Education and Public Welfare.

MOTIONS.

Senator Bosshard asked unanimous consent for suspension of rule 11.

Senator Randolph objected.

Senator Bosshard then moved that rule 11 be suspended.

The question was, Shall rule 11 be suspended?

The ayes and noes were required, and the vote was: Ayes, 17; noes, 10; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Huber, Hustung, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Snover, Stevens, Weigle, Weissleder, and White—17.

Noes—Senators Culbertson, Hoyt, Linley, Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, and True—10.

Absent or not voting—Senators Bishop, Cunningham, Glenn, Richards, and Zophy—5.

And so the senate refused to suspend the rule.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **352, S.**,

Adoption of substitute amendment No. 1, S., and passage.

E. F. KILEEN,

Chairman.

The special committee on Insurance report and recommend:

No. **193, S.**,

Substitute amendment No. 1, S., passage.

No. **269, S.**,

No. **271, S.**,

No. **272, S.**, and

No. **296, S.**,

Passage.

No. **290, S.**,

Substitute amendment No. 1, S., passage.

G. E. SCOTT,

Chairman.

The committee on Education and Public Welfare report and recommend:

No. **91, S.**, and

No. **181, S.**,

Indefinite postponement.

No. **400, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **401, S.**,

Passage.

No. **183, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **260, A.**,

Concurrence, Senators Albers and Teasdale dissenting.

No. **259, A.**,

No. **295, A.**,

No. **315, A.**,

No. **321, A.**, and

No. **364, A.**,

Concurrence.

No. **343, A.**,

Non-concurrence, Senators Teasdale and Martin dissenting.

HOWARD TEASDALE,

Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **241, A.**,
No. **254, A.**,
No. **348, A.**,
No. **387, A.**,
No. **397, A.**,
No. **460, A.**,
No. **621, A.**,
No. **680, A.**,
No. **699, A.**,
No. **738, A.**,
No. **762, A.**,
No. **804, A.**,
No. **946, A.**,
No. **1008, A.**,
No. **1023, A.**,
No. **1063, A.**,
No. **1091, A.**

Has concurred in

No. **107, S.**,

No. **377, S.**,

And has amended, and concurred in, as amended,

No. **334, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **241, A.** To committee on Judiciary.

No. **254, A.** To committee on Judiciary.

No. **348, A.** To committee on Judiciary.

No. **387, A.** To committee on Education and Public Welfare.

No. **397, A.** To committee on State Affairs.

No. **460, A.** To committee on Judiciary.

No. **621, A.** To committee on Finance.

No. **680, A.** To committee on Corporations.

No. **699, A.** To committee on Education and Public Welfare.

No. **738, A.** To committee on Corporations.

No. **762, A.** To committee on Corporations.

- No. **804, A.** To committee on Education and Public Welfare.
No. **946, A.** To committee on State Affairs.
No. **1008, A.** To committee on State Affairs.
No. **1023, A.** To committee on Judiciary.
No. **1063, A.** To committee on State Affairs.
No. **1091, A.** To committee on State Affairs.
-

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **47, S.,**

No. **86, S.,**

No. **186, S.,**

No. **255, S.,**

No. **278, S.,**

No. **306, S.,**

No. **309, S.,**

No. **356, S.,** and

No. **395, S.,**

Correctly engrossed, and

No. **420, S.,**

Correctly enrolled at 1:40 o'clock p. m.

BILLS FOR REVISION.

Senator Scott filed one bill and Senator Tomkins filed one bill for revision at the chief clerk's desk.

WEDNESDAY, APRIL 9, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. R. Murton.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weisselder, White, and Zophy—30.

Absent—Senators Richards and Snover—2.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,

Leave of absence was granted to Senator Richards until Saturday, April 12, 1913.

Upon request of Senator Weigle,

Leave of absence was granted to Senator Snover for this session.

The journal of yesterday was approved.

COMMITTEE REPORT.

The committee on Senate Contingent Fund report and recommend for introduction and passage the resolution submitted herewith.

G. E. SCOTT,
Chairman.

RESOLUTIONS INTRODUCED.

Res. No. 23, S.,

A resolution making allowance from contingent fund.

Resolved by the senate, That the following bills be allowed from the contingent fund under section 127—1 of the statutes;

Wisconsin Telephone company, for official messages, five dollars and forty cents; The Remington Typewriter company, for rent of typewriter, six dollars; and the Western Union Telegraph company, for official messages, sixty-nine cents.

By Committee on Senate Contingent Fund.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 29; noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Hoyt, Richards, and Snover—3.
And so the resolution was adopted.

PETITIONS.

- Pet. No. 519, S. By Senator Albers. To committee on Education and Public Welfare.
- Pet. No. 520, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 521, S. By Senator Monk. To committee on Education and Public Welfare.
- Pet. No. 522, S. By Senator Monk. To committee on Education and Public Welfare.
- Pet. No. 523, S. By Senator Monk. To committee on State Affairs.
- Pet. No. 524, S. By Senator Scott. To committee on Finance.
- Pet. No. 525, S. By Senator Teasdale. To committee on Education and Public Welfare.
- Pet. No. 526, S. By Senator Culbertson. To committee on Education and Public Welfare.
- Pet. No. 527, S. By Senator Scott. To committee on Finance.
- Pet. No. 528, S. By Senator A. E. Martin. To committee on State Affairs.
- Pet. No. 529, S. By Senator A. E. Martin. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

APRIL 9, 1913.

CHIEF CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: I am transmitting herewith in compliance with provisions of joint resolution No. 5, S., list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

C. R. Brooks, Long Lake, Wis., representing Proposed Town of Long Lake, Florence Co., Wis., upon No. **449, A.**

W. C. Campbell, Secy. Wis. Tax Payers' Assn., Florence, Wis., representing Tax Payers' Association, upon Town Matters.

Nate Ehehetz, 1106 Pine St., La Crosse, representing himself upon Fish and Game Bills.

H. F. Habitzel, Long Lake, Wis., representing Proposed Town of Long Lake, upon No. **449, A.**

J. M. O'Rourke, Legislative Rep'tive, 202—9th St., Milwaukee, representing Brotherhood Locomotive Firemen and Engine Men, upon Legislation affecting Railway Employes.

J. P. Parmentier, Green Bay, Wis., representing W. U. Tel. Co. as Commercial Agent, upon No. **407, S.**, and No. **1077, A.**

J. B. Reiter, Jr., Secy., 876—27th St., Milwaukee, representing Wis. State Bottlers' Assn., 277 Milwaukee St., Milwaukee, upon No. **1060, A.**

Ray Smith, Pres., Mgr. Hotel Pfister, Milwaukee, representing Milwaukee Hotel Assn., upon all hotel legislation.

H. R. Goldman, 1839 Riverside Ave., Marinette, Wis., representing Wisconsin Taxpayers' Assn., upon No. **449, A.**, No. **454, A.**, and all town division legislation.

Carl T. Geilfuss, Wells Bldg., Milwaukee, representing Roberts Lumber Co., Embarrass, Wis., upon Water Power Legislation, and Gimbel Bros., Milwaukee, upon No. **429, A.**

John T. Kenney, Pres., Madison, Wis., representing Dane Abstract of Title Co., upon No. **1072, A.**

Sam T. Swanson, Madison, Wis., representing Business Men of Madison, upon No. **1045, A.**, and Pullman Company, Chicago, upon Legislation affecting Railway Sleeping Cars.

William L. Tibbs, 408 Pereles Bldg., Milwaukee, representing Wis. Bottlers' Assn., 277 Milw. St., Milwaukee, upon No. **1060, A.**, Bottlers' Bill.

Lynn H. Sweet, Jefferson, Wis., representing Messrs. Papke, Messmer, Bienfang and Pierce, upon bills Pertaining to taking Rough Fish from Rock River and Lake Koshkonong.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **996, A.**,

Concurrence.

E. F. KILEEN,
Chairman.

Upon request of Senator Kileen,

All rules interfering, were suspended with unanimous consent,
and

No. **996, A.**,

Was placed upon its final concurrence at this time.

No. **996, A.**,

Was read a third time and concurred in.

Upon request of Senator Kileen,

All rules interfering, were suspended with unanimous consent,
and

No. **996, A.**,

Was ordered messaged to the assembly at once.

The committee on Corporations report and recommend:

No. **345, S.**,

Indefinite postponement.

No. **413, S.**,

Passage.

No. **337, A.**,

Concurrence, Senators Kellogg and Skogmo dissenting.

No. **585, A.**, and

No. **595, A.**,

Concurrence.

No. **618, A.**,

Adoption of amendment No. 1, S., and concurrence.

OTTO BOSSHARD,
Chairman.

ASSEMBLY MESSAGE CONSIDERED.

No. **96, A.**

Amendment No. 1, A., to amendment No. 1, S., concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **10, S.**,

Was indefinitely postponed.

No. **198, S.**

Upon motion of Senator Bosshard,

Placed at foot of calendar.

No. 235, S.

Upon motion of Senator Teasdale,

Placed at foot of calendar.

No. 264, S.

Senator Teasdale offered amendment No. 1, S.,

Which amendment was adopted.

No. 264, S.,

A bill to create section 1562m of the statutes, relating to trafficking in intoxicating liquors, by social clubs, and providing a penalty.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 19; noes, 10; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Monk, Stevens, Tomkins, Weigle, Weissleder, White, and Zophy—19.

Noes—Senators Bosshard, Culbertson, Glenn, Husting, Perry, Randolph, Scott, Skogmo, Teasdale, and True—10.

Absent or not voting—Senators Martin H. C., Richards, and Snover—3.

And so the bill was indefinitely postponed.

No. 347, S.

Senator Linley was asked numerous questions by various Senators and answered at length.

Senator Randolph rose to a point of order that answers to a question should not be extended into a speech.

Senator Linley conceded the point well taken and the president did not rule.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator Scott filed one bill, the committee on Corporations filed one bill, Senator Skogmo filed one bill and Senator Weigle filed one bill for revision, and the Joint Committee on Finance filed one bill for revision with recommendation for introduction and reference to calendar, with the chief clerk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

Senator Ackley requested that rule 11 be suspended.

Senator Randolph objected.

Senator Ackley then moved that rule 11 be suspended.

The question was, Shall the rule be suspended?

The ayes and noes were required, and the vote was: Ayes, 16; noes, 7; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Burke, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards, True, Weigle, Weissleder, and Zophy—16.

Noes—Senators Culbertson, Monk, Randolph, Skogmo, Teasdale, Tomkins, and White—7.

Absent or not voting—Senators Bichler, Glenn, Hoyt, Huber, Husting, Martin H. C., Scott, Snover, and Stevens—9.

And so the rule was suspended.

No. 347, S.,

A bill to amend subsection 1 of section 1797t—5 of the statutes, relating to time of purchase of street railways by municipalities.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 19; absent or not voting, 1, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Glenn, Hoyt, Kellogg, Martin A. E., Perry, Skogmo, Stevens, and Weigle—12.

Noes—Senators Ackley, Burke, Culbertson, Cunningham, Huber, Husting, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Teasdale, Tomkins, True, Weissleder, White, and Zophy—19.

Absent or not voting—Senator Snover—1.

And so the senate refused to indefinitely postpone the bill, and thereby ordering it engrossed and read a third time.

No. 347, S.,

Senator Randolph asked unanimous consent, that all rules interfering be suspended, and that No. 347, S., be placed upon its final passage at this time.

Senator Burke objected.

Senator Randolph moved that all rules interfering be suspended and No. 347, S., be placed upon its final passage at this time.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 22; noes, 9; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Teasdale, Tomkins, True, Weissleder, White, and Zophy—22.

Noes—Senators Albers, Bichler, Bishop, Burke, Martin A. E., Perry, Skogmo, Stevens and Weigle—9.

Absent or not voting—Senator Snover—1.
And so the rules were suspended.

No. **347, S.**,

Was read a third time and passed.

Upon request of Senator Linley,

All rules interfering were suspended with unanimous consent
and No. **347, S.**, was ordered messaged to the assembly at once.

Jt. Res. No. 8 S.,

Upon motion of Senator Zophy,

Laid over until Wednesday, April 16, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **98, A.**

Upon motion of Senator Skogmo,

Laid over until Friday, April 11, 1913.

No. **159, A.**,

No. **346, A.**,

No. **500, A.**, and

No. **555, A.**,

Were each severally ordered to a third reading.

No. **547, A.**

Amendment No. 1, S., adopted.

No. **547, A.**, as amended,

Was ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **48, S.**,

A bill to amend subsection 2 of section 1548 of the statutes, relating to the sale of intoxicating liquors.

Senator Bosshard moved that No. **48, S.**, be re-referred to the committee on State Affairs.

The question was, Shall the bill be re-referred?

The ayes and noes were demanded, and the vote was: Ayes, 21
noes, 10; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Glenn, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, Weissleder and Zophy—31.

Noes—Senators Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Martin H. C., Perry, Stevens, and White—10.

Absent or not voting—Senator Snover—1.

And so the bill was re-referred.

S.,

amend subdivisions (a) and (b) of subsection 1 and subdivision of subsection 2 of section 4562d of the statutes, and to division (j) of subsection 1 and subdivision (e) of subsection 4562d of the statutes relating to the hunting of deer.

a third time, and passed.

Randolph moved that the vote by which No. **52, S.**, be reconsidered.

and noes were demanded, and the vote was: Ayes, 13; absent or not voting, 2, as follows:

Senators Ackley, Culbertson, Hoyt, Huber, Husting, Martin H. C., Monk, Randolph, Scott, Stevens, Tom-True—13.

Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Kileen, Linley, Martin A. E., Perry, Richards, Weigle, Weissleder, White, and Zophy—17.

or not voting—Senators Skogmo and Snover
the senate refused to reconsider the vote.

S.

tion of Senator Weigle,
r until Wednesday, April 16, 1913.

S.,

S.,

S., and

S.,

h severally read a third time, and passed.

No. 9, A.,

l a third time.

tion was, Shall the resolution be concurred in?

and noes were required, and the vote was: Ayes, 26; absent or not voting, 2, as follows:

Senators Ackley, Bichler, Bishop, Bosshard, Culbertson, Glenn, Hoyt, Husting, Kellogg, Kileen, Lin- H. C., Monk, Randolph, Richards, Scott, Skogmo, easdale, Tomkins, True, Weigle, Weissleder, White, —26.

Senators Albers, Burke, Martin A. E. and Perry—4.

or not voting—Senators Huber and Snover—2.

he resolution was concurred in.

PLACED AT FOOT OF CALENDAR.

S.

Bosshard offered substitute No. 1, S.

tion of Senator Bosshard,

S., and pending amendment,

Was made a special order for Wednesday, April 16, 1913,
10:30 o'clock a. m.

No. 235, S.

Senator Teasdale offered amendment No. 1, S., to substitute amendment No. 1, S.

Upon motion of Senator Teasdale, and with unanimous consent
No. **235, S.**, and pending amendments,
Were laid over until tomorrow.

The committee on Legislative Procedure report and recommend
for introduction, bills bearing the following revision numbers:
Nos. 448, 449, 450, 451, and 452.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **427, S.** (Revision No. 448). By Committee on Judiciary.
To committee on Judiciary.

No. **428, S.** (Revision No. 450). By Committee on Judiciary.
To committee on Judiciary.

No. **429, S.** (Revision No. 449). By Committee on Judiciary.
To committee on Judiciary.

No. **430, S.** (Revision No. 451). By Committee on State Affairs.
To committee on State Affairs.

No. **431, S.** (Revision No. 452). By special Committee on Conservation.
To special committee on Conservation.

PETITIONS.

Pet. No. 530, S. By Senator A. E. Martin. To committee on State Affairs.

Pet. No. 531, S. By Senator Bosshard. To committee on State Affairs.

Pet. No. 532, S. By Senator Bosshard. To committee on State Affairs.

Pet. No. 533, S. By Senator Bosshard. To committee on State Affairs.

, S. By Senator A. E. Martin. To committee on Education and Public Welfare.

, S. By Senator Bichler. To committee on Education and Public Welfare.

, S. By Senator Bichler. To committee on State Affairs.

ittee on Corporations report and recommend:

S.,
of substitute amendment No. 1, S., and passage.

S.,
of substitute amendment No. 1, S., and passage.

S., and
o. 27, S.,
postponement.

OTTO BOSSHARD,
Chairman.

ittee on Education and Public Welfare report and

S.,
postponement.

S.,
S., and
S.,

A.,
urrence.
A., and
A.,
ce.

HOWARD TEASDALE,
Chairman.

ittee on Judiciary report and recommend:

S.,
of substitute amendment No. 1, S., and passage.

A.,
of substitute amendment No. 1, S., and concurrence.

A.,
A.,
A.,
A.,
A.,

No. **847, A.**,

Concurrence.

No. **274, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **149, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **258, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **274, S.**,

Indefinite postponement.

E. F. KILLEN,
Chairman.

ADJOURNMENT.

Upon motion of Senator A. E. Martin,
The senate adjourned.

BILLS FOR REVISION

The committee on Education and Public Welfare filed one bill for revision at the chief clerk's desk.

· THURSDAY, APRIL 10, 1913.

10:00 O'CLOCK A. M.

met.

nt in the chair.

ffered by the Rev. E. L. Benson.

s called and the following senators answered to their

ckley, Albers, Bichler, Bishop, Bosshard, Burke,
unningham, Glenn, Hoyt, Huber, Husting, Kellogg,
, Martin A. E., Martin H. C., Monk, Perry, Ran-
rds Scott, Skogmo, Snover, Stevens, Teasdale,
ue, Weigle, Weissleder, White, and Zophy—32.

of yesterday was approved.

MOTIONS.

n of Senator Ackley,

B., was taken from today's calendar and laid over un-
pril 14, 1913.

n of Senator Teasdale,

B., was laid over until Thursday, April 17, 1913.

n of Senator Weissleder,

B., was re-referred to committee on Judiciary.

PETITIONS.

S. By Senator Perry. To committee on Corpo-
tions.

S. By Senator Scott. To committee on Finance.

S. By Senator Burke. To committee on State
Affairs.

—S. J.

COMMUNICATION TO THE SENATE.

APRIL 10, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Peter Campbell, 535 Downer Ave., Milwaukee, representing Chicago & Northwestern Ry., upon legislation affecting railways.

C. P. Crosby, Rhinelander, Wis., representing Oneida County upon forestry reserve.

D. Cunningham, La Crosse, Wis., representing C. B. & Q. Ry. Co., upon railway legislation.

J. W. Crawford, Coroner, Crandon, Wis., representing Forest County, upon forest reserve.

Geo. H. Dawes, Tomahawk Lake, Wis., representing Oneida County, upon forest reserve.

W. H. Finley, 226 W. Jackson Blvd., Chicago, Ill., representing C. & N. W. Ry. Co., upon legislation affecting railroads.

Geo. E. Foster, Mellen, Wis., representing Mellen Lumber Co., as Prest. and Mgr., upon Railroad Matters.

Herman Geske, Crandon, Wis., representing Forest County, upon Forest Reserve.

D. Graham, Eagle River, representing Eagle River, Wis., Vilas County, upon Forest Reserve.

W. A. Hayes, 731 Marshall St., Milw., representing C. & N. W. Ry. Co., Chicago, upon Legislation affecting Railroads.

H. A. Kamm, Co. Supt. Schools, Crandon, Wis., representing Forest Co., upon Forest Reserve.

J. H. Kratz, Manitowoc, Wis., representing himself upon No. **264, A.**

J. J. Lingle, Westboro, Wis., representing Westboro Lumber Co., as Vice Prest. and Mgr., upon Railroad Legislation.

A. B. Lewis, Crandon, Wis., representing Forest County, upon Forest Reserve.

Finn Lawler, Eagle River, Wis., representing Vilas County, upon Forest Reserve.

A. L. Osborn, Oshkosh, Wis., representing himself and Medford Lumber Co., as its President, upon Railroad Matters and Fish and Game legislation.

C. J. Osborn, Crandon, Wis., representing Forest County, upon Forest Reserve.

Raymond, North Crandon, Wis., representing Forest
upon Forest Reserve.

Rogers, Nashville, Wis., representing Forest County,
Forest Reserve.

Rasmussen, North Crandon, Wis., representing Forest
upon forest reserve.

P. Stoughton, 226 W. Jackson Blvd., Chicago, Ill., rep-
g Chicago & North Western Railway Co., upon legisla-
affecting railroads.

Spencer, Alvin, Wis., representing Forest County, upon
reserve.

S. Taylor, Appleton, Wis., representing Pulpwood Com-
Appleton, as Manager, upon No. **685, A.**

Vaughn, Rhinelander, Wis., representing Oneida County,
Forest Reserve.

Wilson, Neenah, Wis., representing M. St. P. & S. St.
Co., upon No. **685, A.**

D. Hurlbut, Traffic Mgr. & Secy., 28 E. Jackson Blvd.,
Chicago, Ill., representing Pulp & Paper Mfrs., Assn., 28 E.
Chicago Blvd., Chicago, Ill., upon No. **685, A.**

W. Stark, Jr., 602-8 Wells Bldg., Milwaukee, Wis.,
representing Mrs. R. S. (Belle) Houston, 572 Douglas Ave.,
Chicago, Ill., upon No. **369, S.**

Thompson, La Crosse, Wis., representing himself upon
Legislation.

Erick W. Walker, Vice President, Port Washington, Wis.,
representing Milwaukee Northern Railway Company, Port Wash-
ington, Wis., upon All Matters Affecting Interurban Railways.

COMMITTEE REPORT.

Committee on Education and Public Welfare report and
conclusion:
18, S.,
passed.

HOWARD TEASDALE,
Chairman.

EXECUTIVE COMMUNICATION.

motion of Senator Randolph,
nominating Clemens P. Host, for state fire marshal, for
a term ending January 15, 1919, was laid over until April 29,

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 59, A.

Has passed, and asks concurrence in,

No. **81, A.**,

No. **205, A.**,

No. **367, A.**,

No. **820, A.**,

No. **855, A.**,

No. **913, A.**,

No. **1042, A.**,

Has concurred in

No. **37, S.**,

No. **129, S.**,

No. **195, S.**,

No. **336, S.**,

Has amended, and concurred in,

No. **153, S.**

Has adopted and asks concurrence in

Jt. Res. No. 61, A.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 59, A.

Upon motion of Senator Randolph,

Referred to senate committee on Finance.

No. **81, A.** To committee on State Affairs.

No. **205, A.** To calendar.

No. **367, A.** To committee on State Affairs.

No. **820, A.** To committee on Corporations.

No. **855, A.** To committee on Corporations.

No. **913, A.** To committee on State Affairs.

No. **1042, A.** To committee on Corporations.

Jt. Res. No. 61, A.,

Was read first time.

Upon request of Senator Ackley,

All rules interfering, were suspended, with unanimous consent,
and

Jt. Res. No. 61, A.,

Was placed upon its final concurrence at this time.

o. 61, A.,
a third time, and concurred in.
est of Senator Ackley,
nterfering, were suspended with unanimous consent,
o. 61, A., was ordered messaged to the assembly at

nt No. 1, A., concurred in.

ion of Senator Skogmo,
foot of calendar.

S.,
nt No. 1, A.
ileen offered amendment No. 1, S., to amendment No.

endment was adopted.
nt No. 1, A., as amended, was concurred in.
nt No. 2, A., concurred in.
nt No. 3, A., concurred in.

RESOLUTIONS READY FOR ENGROSSMENT.

ion of Senator H. C. Martin,
ed to committee on Judiciary.

S.
amendment No. 1, S., adopted.
S., as amended,
red engrossed and read a third time.

S.
amendment No. 1, S., adopted.
S., as amended,
red engrossed and read a third time.

S.,
S.,
S., and
S.,
a severally ordered engrossed and read a third time.

S.
amendment No. 1, S., adopted.
S., as amended,
red engrossed and read a third time.
est of Senator Bosshard,
nterfering, were suspended with unanimous consent,

S.,
S.,

No. **271, S.**,
No. **272, S.**,
No. **290, S.**, and
No. **296, S.**,

Were placed upon their final passage at this time.

The chief clerk under rule 32 makes the following corrections in
No. **193, S.**:

Striking out the words, "a new section of the statutes to be numbered", where they occur in the title of the bill.

Inserting the enacting clause.

Striking out the words, "to be numbered and", where they occur in lines two and three of the printed bill.

No. **193, S.**,
No. **269, S.**,
No. **271, S.**,
No. **272, S.**, and
No. **296, S.**,

Were each severally read a third time, and passed.

The chief clerk under rule 32 makes the following correction in
No. **290, S.**:

Inserting the title.

No. **290, S.**,

Was read a third time, and passed.

No. **298, S.**

Substitute amendment No. 1, S., adopted.

No. **298, S.**, as amended,

Was ordered engrossed and read a third time.

No. **352, S.**

Substitute amendment No. 1, S., adopted.

No. **352, S.**, as amended,

Was ordered engrossed and read a third time.

No. **400, S.**

Upon motion of Senator Perry,

Laid over until, Thursday, April, 17, 1913.

No. **401, S.**

Read second time,

Was ordered engrossed and read a third time.

Jt. Res. No. 18, S.

Senator Ackley offered amendment No. 1, S.,

Which amendment was refused adoption,

Jt. Res. No. 18, S.,

Was ordered engrossed and read a third time.

Jt. Res. No. 19, S., and

Jt. Res. No. 22, S.,

Were each severally ordered engrossed and read a third time.

Jt. Res. No. 24, S.

on of Senator Stevens,
until Thursday, April 17, 1913.
est of Senator Hustling,
interfering were suspended, with unanimous consent,

o. 18, S.,
o. 19, S., and
o. 22, S.,
d upon their final adoption at this time.

o. 18, S.,
article XIII of the constitution, providing for the re-
officers,
a third time.

on was, Shall the resolution be adopted?
nd noes were required, and the vote was: Ayes, 26;
nt or not voting, 5, as follows:
ators Ackley, Bichler, Bishop, Bosshard, Burke,
Glenn, Huber, Hustling, Kellogg, Kileen, Linley,
E., Martin H. C., Monk, Randolph, Richards,
no, Teasdale, Tomkins, True, Weigle, Weissleder,
Zophy—26.

ator Perry—1.
not voting—Senators Albers, Cunningham, Hoyt,
Stevens—5.
resolution was adopted.

o. 19, S.
ection 3a of article XI of the constitution, relating
cities and villages,
a third time.

on was, Shall the resolution be adopted?
nd noes were required, and the vote was: Ayes, 28;
bsent or not voting, 4, as follows:
ators Ackley, Bichler, Bishop, Bosshard, Burke,
Glenn, Huber, Hustling, Kellogg, Kileen, Linley,
., Martin H. C., Monk, Perry, Randolph, Richards,
no, Stevens, Teasdale, Tomkins, True, Weigle,
White, and Zophy—28.

ne.
not voting—Senators Albers, Cunningham, Hoyt,
4.
resolution was adopted.

o. 22, S.,
ection 1, article XII, of the constitution, providing
ission of amendments to the constitution by the legis-
ree-fifths vote of the members elected,
a third time.
on was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, 24; noes, 4; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Burke, Culbertson, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—24.

Noes—Senators Ackley, Albers, Perry, and Teasdale—4.

Absent or not voting—Senators Cunningham, Hoyt, Snover and Stevens—4.

And so the resolution was adopted.

No. **91, S.**,

No. **181, S.**,

Jt. Res. No. 7, S.,

Jt. Res. No. 14, S.,

Jt. Res. No. 25, S., and

Jt. Res. No. 28, S.,

Were severally indefinitely postponed.

Senator Ackley moved that the senate take a recess until 7:30 o'clock p. m.,

Which motion was lost.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

No. **183, A.**

Amendment No. 1, S., adopted.

No. **183, A.**, as amended,

Was read a second time, and ordered to a third reading.

No. **259, A.**

Upon motion of Senator Perry,

All rules interfering, were suspended with unanimous consent and

No. **259, A.**,

Was placed upon its final concurrence at this time.

No. **259, A.**,

Was read a third time and concurred in.

No. **260, A.**

Senator Bichler moved that the bill be non-concurred in.

The question was, Shall the bill be non-concurred in?

The president being unable to decide the viva voce vote, called for a division, which resulted in a tie, the president declared the motion lost, and thereby ordering it to a third reading.

No. **295, A.**,

No. **315, A.**,

No. **321, A.**,

No. **873, A.**,

No. **897, A.**,

, A., and

, A.,
which severally read a second time and ordered to a third

, A.

Culbertson offered amendment No. 1, S.,
as adopted.

, A., as amended,
ordered to a third reading.

No. 20, A.,

Bosshard moved that the resolution be non-concurred

Scott moved that the resolution be laid over and made
order at 7:30 o'clock p. m.

Burke rose to a point of order, that the motion of Sen-
was out of order while the motion of Senator Bosshard
g.

ident held that a motion to postpone took precedence of
of non-concurrence.

tion was upon the motion to make a special order at
p. m.

nt, Senator Scott amended the motion to lay over and
es. No. 20, A., a special order at 10:30 o'clock on

, April 16, 1913,

otion prevailed.

RECESS.

tion of Senator White,

te took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

clerk records:

, S.,

, S., and

, S.,

engrossed.

7:30 O'CLOCK P. M.

e was called to order by the president.

ichler offered amendment No. 1, S.

tion of Senator Tomkins,

No. **7, A.**, and pending amendment,
Was laid over until Wednesday, April 16, 1913.

No. **343, A.**

The question was, Shall the bill be non-concurred in?
Division was called for, and the bill was non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **47, S.**,

No. **86, S.**,

No. **186, S.**,

No. **220, S.**,

No. **255, S.**,

No. **306, S.**,

No. **356, S.**, and

No. **395, S.**,

Were each severally read a third time, and passed.

No. **309, S.**,

A bill to create sections 604—1, 604—2, 604—3, 604—4, 604—5, and 604—6, of the statutes, relating to the hospital for criminal insane.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 25; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, White and Zophy—25.

Noes—None.

Absent or not voting—Senators Albers, Burke, Martin A.E., Richards, Snover, Weigle, and Weissleder—7.

And so the bill was passed.

No. **4, A.**,

No. **89, A.**,

No. **126, A.**, and

No. **153, A.**,

Were each severally read a third time, and concurred in.

No. **87, S.**,

Foot of the calendar.

Senator Bosshard moved that amendment No. 1, A., be non-concurred in and a committee on conference be requested,

Which motion prevailed.

MOTIONS.

Senator Randolph moved that

The vote by which No. **260, A.**, was ordered to a third read-

be reconsidered, and further consideration laid over undnesday, April 16, 1913.

COMMITTEE REPORT.

committee on Judiciary report and recommend:

42, S.
option of substitute amendment No. 3, S., and passage.

284, S.,
option of substitute amendment No. 1, S., and passage.

408, S.,
age.

77, A.,
currence.

132, S., and
Res. No. 23, S.,

finite postponement.

E. F. KILEEN,
Chairman.

committee on Corporations report and recommend:

245, S.,
option of substitute amendment No. 1, S., and passage.

OTTO BOSSHARD,
Chairman.

for Kileen, with unanimous consent, offered amendment
S., to No. **77, A.**

ADJOURNMENT.

otion of Senator Randolph,
enate adjourned.

BILLS FOR REVISION.

or Weigle filed one bill, Senator Skogmo filed one bill,
committee on Corporations filed three bills for revision,
chief clerk's desk.

FRIDAY, APRIL 11, 1913.

10:00 O'CLOCK A. M

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. L. Benson.

The roll was called and the following senators answered to their names:

Senators Ackley, Biehler, Bishop, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and Zophy—19.

Absent—Senators Albers, Bosshard, Burke, Kellogg, Kileen, Linley, Martin A. E., Richards, Snover, Stevens, Weigle, Weissleder, and White—13.

LEAVE OF ABSENCE.

Upon request of Senator Glenn,

Leave of absence was granted to Senators Weissleder and A. E. Martin until Tuesday, April 15, 1913.

The journal of yesterday was approved.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 445, 453, 456, 458, 459, 460, 461.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

3. (Revision No. 445). By Committee on Education and Public Welfare. To committee on Education and Public Welfare.
3. (Revision No. 453). By Special Committee on Insurance. To special committee on Insurance.
3. (Revision No. 456). By Committee on Corporations. To committee on Corporations.
3. (Revision No. 458). By Committee on Finance. To calendar.
3. (Revision No. 459). By Committee on Education and Public Welfare. To committee on Education and Public Welfare.
3. (Revision No. 462). By Committee on Judiciary. To committee on Judiciary.
3. (Revision No. 461). By Committee on Judiciary. To committee on Judiciary.

 PETITIONS.

- 0, S. By Senator Hoyt. To committee on State Affairs.
- 1, S. By Senator Skogmo. To committee on State Affairs.
- 2, S. By Senator Randolph. To committee on State Affairs.
- 3, S. By Senator Bishop. To committee on State Affairs.
- 4, S. By Senator Scott. To committee on Finance.
- 5, S. By Senator Scott. To committee on Finance.

 COMMUNICATION TO THE SENATE.

APRIL 11, 1913.

K,
son, Wisconsin.

In compliance with the provisions of Joint Resolution am transmitting herewith list of those registered as counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, residence and occupation of counsel; name and address of employer, subject of legislation

Truman Aldrick, Arbor Vitae, Wis. representing Vilas County, upon Forest Reserve.

E. F. Burns, Secy., Stanley, Wis., representing Stanley Produce Co., upon No. **685, A.**

Dr. J. Barber, Marathon, Wis., representing Self, upon No. **653, A.**

W. A. Bradford, Eagle River, Wis., representing Vilas County, upon Forest Reserve.

John Bloom, Minocqua, Wis., representing Oneida County, upon Forest Reserve.

B. M. Caples, Physician, Waukesha, Wis., representing Self, upon Medical Bills.

Loyal Durand, 12 Mitchell Bldg., Milw., representing Self, upon Insurance.

Henry Erdmann, Pres't, 539 Greenfield Ave., Milw., representing Milw. Retail Market Men's Assn., upon No. **188, S.**

Louis E. Grenier, Arbor Vitae, Wis., representing Vilas County, upon Forest Reserve.

G. D. Glass, Chiropractor, 779—3d St., Milwaukee, representing himself upon Drugless Healing.

Rev. H. Halinde, Crandon, Wis., representing Forest County, upon Forestry Bills.

Chas. H. Lemon, 259 Farwell Ave., Milwaukee, representing Self, upon Medical Bills.

Jas. B. Leedom, Mitchell Bldg., Milwaukee, representing Milwaukee Board of Fire Underwriters, upon Insurance Legislation.

Alex. McRae, Rhinelander, Wis., representing Oneida County, upon Forest Reserve.

John L. Miller, Armstrong Creek, Wis., representing Forest County, upon Forest Reserve.

Barney McGinley, Crandon, Wis., representing Forest County, upon Forestry.

L. D. Malloney, Madison, Wis., representing Self, upon "Blue Sky" legislation.

J. P. McMahon, 504 Goldsmith Building, Milwaukee, representing State Medical Society, and Self, upon Public Health.

B. L. McClelland, 909-911 Railway Exch. Bldg., Milwaukee, representing self upon Insurance Adjusting bill.

A. T. Netzel, Crandon, Wis., representing Forest County, upon Forest Reserve.

Jas. Oberholtzer, Eagle River, Wis., representing Vilas County, upon Forest Reserve, Fish and Game.

Wm. Olson, Rhinelander, Wis., representing Oneida County, upon Forest Reserve.

A. W. Prehn, Wausau, Wis., representing Dr. Joseph Barber, Marathon, Wis., upon No. **653, A.**

Chas. J. Peter, Pres't, 1247 Kinnickinnic Ave., Milwaukee, representing Milwaukee Retail Grocers' Assn., upon No. **188, S.**

Arthur J. Patek, physician, 141 Wisconsin St., Milwaukee, representing self upon medical bills.

Daniel Reid, Hurley, Wis., representing Iron county, upon forest reserve.

H. W. Reed, Clearwater Lake, Wis., representing Oneida county, upon Forest reserve.

Philip T. Rogers, physician, Matthews Bldg., Milwaukee, representing self upon medical bills.

A. M. Rogers, Newald, Wis., representing Forest county, upon forest reserve.

O. W. Schoengarth, Neillsville, Wis., representing Dr. J. Barber, Marathon, upon No. **653, A.**

Wm. Sherman, Powell, Wis., representing Iron county, upon forest reserve.

Ole Swenson, Woodruff, Wis., representing Oneida County, upon forest reserve.

G. M. Stampe, Crandon, Wis., representing Forest County, upon forest reserve.

George Thrall, Crandon, Wis., representing Forest County, upon forest reserve.

L. M. Warfield, physician, Milwaukee, representing self, upon medical bills.

Lorenz F. Wagner, 822—3d St., Milwaukee, representing self, upon medical bill.

A. C. Wirth, 114—15th St., Milwaukee, representing Self, upon Medical Bills.

Francis Bloodgood, Jr., Mitchell Bldg., Milwaukee, representing Geo. Appelbacher, Delafield, Wis., upon No. **269, A.**

COMMITTEE REPORTS.

The special committee on Insurance report and recommend:
No. **126, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **342, S.**,

Adoption of substitute amendment No. 1, S., and passage.

G. E. SCOTT,
Chairman.

The committee on State Affairs report and recommend:

No. **154, S.**,

Adoption of substitute amendment No. 1, S., and passage, Senator Bishop dissenting.

No. **206, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **372, A.**,

Concurrence, Senator Bishop dissenting.

No. **580, A.**,

No. **620, A.**, and
No. **731, A.**,
Concurrence.
No. **721, A.**,
Adoption of amendment No. 1, S., and concurrence.
No. **412, S.**,
Amendment No. 1, S., submitted and bill returned to the senate
without recommendations.

M. F. WHITE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has concurred in
No. **421, S.**

And has agreed to a committee of Conference on
No. **97, A.**,

And has appointed as conferees on part of the assembly, Messrs.
Urquhart, Don C. Hall and Paul.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **22, S.**,

Upon motion of Senator Tomkins,
Laid over until Wednesday, April 16, 1913.

No. **81, S.**

Substitute amendment No. 1, S., adopted.

No. **81, S.**, as amended,
Was ordered engrossed and read a third time.

No. **149, S.**

Upon motion of Senator Tomkins,
Laid over until Wednesday, April 16, 1913.

No. **258, S.**

Substitute amendment No. 1, S., adopted.

No. **258, S.**, as amended,
Was ordered engrossed and read a third time.

No. **302, S.**

Substitute amendment No. 1, S., adopted.

No. **302, S.**, as amended,
Was ordered engrossed and read a third time.

No. **416, S.**,

No. **417, S.**, and

No. **419, S.**,

Were each severally read a second time, and ordered engrossed
and read a third time.

No. **274, S.**,
No. **360, S.**,
No. **424, S.**, and
Jt. Res. No. 27, S.,
Were severally indefinitely postponed.

**BILLS AND RESOLUTIONS TO BE ORDERED TO A
THIRD READING.**

Read second time.

No. **64, A.**,
Was ordered to a third reading.

No. **98, A.**
Amendment No. 1, S., adopted.
Senator Skogmo offered amendment No. 2, S.,
Which amendment was adopted.
No. **98, A.**, as amended
Was ordered to a third reading.

No. **185, A.**
Substitute amendment No. 1, S., adopted.
No. **185, A.**, as amended,
Was ordered to a third reading.

No. **265, A.**,
No. **266, A.**,
No. **287, A.**,
No. **371, A.**,

No. **703, A.**, and
No. **847, A.**,
Were each severally ordered to a third reading.

No. **274, A.**
Substitute amendment No. 1, S., adopted.
No. **274, A.**, as amended,
Was ordered to a third reading.

No. **400, A.**
Senator Treadwell offered amendment No. 1, S.,
Which was adopted.
No. **400, A.**, as amended,
Was ordered to a third reading.

No. **37, A.**,
Was non-concurred in.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **159, A.**,
No. **346, A.**,

33—S. J.

No. **500, A.**,

No. **547, A.**, and

No. **555, A.**,

Were each severally read a third time and concurred in.

Upon request of Senator Bichler, and with unanimous consent,

No. **245, S.**,

Was taken from Monday, April 14, 1913, calendar for consideration.

Senator Bichler offered amendment No. 1, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Substitute amendment No. 1, S., as amended, was adopted.

No. **245, S.**, as amended,

Was ordered engrossed and read a third time,

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Perry until Thursday, April 17, and to Senator True until Friday, April 18, 1913.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 11:30 o'clock a. m.

BILLS FOR REVISION.

Senator Huber filed one bill and Senator Scott filed one bill for revision at the chief clerk's desk.

11:30 O'CLOCK A. M.

The senate was called to order by the president pro tempore.

The president appointed Senators Bosshard, Skogmo and Teasdale as a committee of conference on part of the senate on No. **87, S.**

ADJOURNMENT.

Upon motion of Senator Bichler,

The senate adjourned until Monday, April 14, 1913, at 9:00 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **81, S.**

No. **245, S.,**

No. **258, S.,** and

No. **302, S.**

Correctly engrossed, and

No. **17, S.** and

No. **174, S.,**

Correctly enrolled at 2:00 o'clock p. m.

MONDAY, APRIL 14, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. E. Horth of the Trousdale M. E. Church of Madison, Wis.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of Friday, April 11, 1913, was approved.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:
Nos. 454, 464, 465, 466, and 467.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **439, S.** (Revision No. 454). By Senator Skogmo. To committee on Corporations.

No. **440, S.** (Revision No. 464). By Committee on Corporations. To committee on Corporations.

No. **441, S.** (Revision No. 465). By Committee on Corporations. To committee on Corporations.

No. **442, S.** (Revision No. 466). By Committee on Corporations. To committee on corporations.

No. **443, S.** (Revision No. 467). By Senator Huber. To committee on Finance.

PETITIONS.

- Pet. No. 546, S. By Senator Skogmo. To committee on Education and Public Welfare.
- Pet. No. 547, S. By Senator Skogmo. To committee on Finance.
- Pet. No. 548, S. By Senator Skogmo. To committee on Education and Public Welfare.
- Pet. No. 549, S. By Senator Skogmo. To committee on State Affairs.
- Pet. No. 550, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 551, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 552, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 553, S. By Senator Ackley. To committee on State Affairs.
- Pet. No. 554, S. By Senator Ackley. To committee on Finance.
- Pet. No. 555, S. By Senator Ackley. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

SALT LAKE CITY, Utah, March 28, 1913.

To the HONORABLE, PRESIDENT OF THE SENATE,
Wisconsin State Legislature, Madison.

Dear Sir: Pursuant to instructions, I am pleased to enclose herewith for your pleasure copy of "A Joint Resolution Relative to Aid from the Government of the United States for Industrial Education and the Inauguration and Establishment of a National University and Department of Education."

Very kindly yours,

DAVID MATTSON,
Secretary of State.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. **78, S.**

Adoption of substitute amendment No. **1 S.**, and passage.

No. **131, S.**

No. **214, S.**, and

No. **229, S.**

Indefinite postponement.

No. **230, S.**,

Indefinite postponement, Senator Bichler and Messrs. Roethe and Spoor dissenting.

No. **257, S.**,

Amendment No. 1, S., and passage.

No. **332, S.**,

Indefinite postponement, Senator Bichler dissenting.

G. E. SCOTT,

Chairman of Senate Committee.

R. J. NYE,

Chairman of Assembly Committee.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,
Jt. Res. No. 17, A.

Has passed, and asks concurrence in,

No. **406, A.**,

No. **553, A.**,

No. **696, A.**,

No. **722, A.**,

No. **768, A.**,

No. **780, A.**,

No. **784, A.**,

No. **795, A.**,

No. **903, A.**,

No. **960, A.**,

No. **973, A.**, and

No. **1007, A.**

Has concurred in

No. **38, S.**,

No. **62, S.**,

No. **170, S.**,

No. **363, S.**,

No. **371, S.**,

No. **390, S.**,

No. **392, S.**, and

No. **415, S.**

ASSEMBLY MESSAGE CONSIDERED

Read first time and referred.

Jt. Res. No. 17, A. To committee on Judiciary.

No. **406, A.** To committee on Judiciary.

No. **553, A.** To committee on State Affairs. Digitized by Google

- No. **696, A.** To committee on Corporations.
No. **722, A.** To committee on Corporations.
No. **768, A.** To committee on Corporations.
No. **780, A.** To committee on State Affairs.
No. **784, A.** To committee on Corporations.
No. **795, A.** To committee on State Affairs.
No. **903, A.** To special committee on Insurance.
No. **960, A.** To committee on Education and Public Welfare.
No. **973, A.** To committee on Education and Public Welfare.
No. **1007, A.** To committee on Corporations.
No. **153, S.**
Amendment No. 1, A., concurred in.
-

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

- No. **42, S.**
Amendment No. 1, S., refused adoption.
Amendment No. 2, S., refused adoption.
Substitute amendment No. 3, S.
No. **42, S.**, and pending amendment,
Upon motion of Senator Monk,
Laid over until Wednesday, April 16, 1913.
No. **284, S.]**
Substitute amendment No. 1, S., adopted.
No. **284, S.**, as amended,
Was ordered engrossed and read a third time.
No. **322, S.**
Senator Ackley offered amendment No. 1, S., to substitute amendment No. 1, S.
No. **322, S.**, and pending amendments,
Upon motion of Senator Ackley,
Laid over until Thursday, April 17, 1913.
No. **408, S.**,
Was read a second time.
Senator Ackley offered amendment No. 1, S.,
Which amendment was adopted.
No. **408, S.**, as amended,
Was ordered engrossed and read a third time.
No. **413, S.**, and
No. **418, S.**, were read a second time, and
Were each severally ordered engrossed and read a third time.

No. **132, S.**, and
Jt. Res. No. 23, S.,
Were severally indefinitely postponed.

No. **345, S.**
Upon motion of Senator Zophy,
Laid over until Monday, April 21, 1913.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

Read second time.

No. **77, A.**
Amendment No. 1, S., adopted.
No. **77, A.**, as amended,
Was ordered to a third reading.

No. **337, A.**,
No. **585, A.**, and
No. **595, A.**,
Were each severally ordered to a third reading.

No. **618, A.**
Amendment No. 1, S., adopted
No. **618, A.**, as amended,
Was ordered to a third reading.

BILLS READY FOR THIRD READING.

No. **128, S.**,
No. **352, S.**, and
No. **401, S.**,
Were each severally read a third time, and passed.

No. **298, S.**,
Upon motion of Senator Skogmo,
Laid over until Wednesday, April 16, 1913.

No. **183, A.**,
No. **295, A.**,
No. **315, A.**,
No. **321, A.**, and
No. **364, A.**,
Were each severally read a third time, and concurred in.

No. **873, A.**,
No. **897, A.**,
No. **943, A.**, and
No. **984, A.**,
Upon motion of Senator Randolph, and with unanimous consent,
Were laid over till Tuesday, April 15, 1913.

ADJOURNMENT.

motion of Senator Randolph,
Senate adjourned.

Chief clerk under rule 34 makes the following correction in
421, S.:

out the word "and" where it occurs in line 13 of the
bill.

CLERK'S REPORT.

Chief clerk records:

2, S.,
7, S.,
1, S.,
1, S.,
7, S.,
7, S.,
9, S.,
5, S.,
6, S.,
7, S., and
11, S.,

ly enrolled at 8:10 o'clock p. m.

Chief clerk, under rule 32, made the following correction
77 S.

out the word "and" where it appears in line six of the
bill.

BILLS FOR REVISION.

Committee on Finance filed two bills for revision at the chief
k.

TUESDAY, APRIL 15, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. E. Horth.

The roll was called and the following senators answered to their names:

Present—Senators Ackley, Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, Weigle, Weissleder, White, and Zophy—24.

Absent—Senators Bichler, Burke, Hoyt, Kellogg, Richards, and Snover—6.

Absent with leave—Senators Perry and True—2.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Hustings and Tomkins for this session.

The journal of yesterday was approved.

PETITIONS.

Pet. No. 556, S. By Senator Husting. To committee on State Affairs.

Pet. No. 557, S. By Senator Tomkins. To committee on State Affairs.

Pet. No. 558, S. By Senator Tomkins. To committee on State Affairs.

Pet. No. 559, S. By Senator Culbertson. To committee on Finance.

Pet. No. 560, S. By Senator Linley. To committee on Finance.

No. 561, S. By Senator Bishop. To committee on State Affairs.

No. 562, S. By Senator Bishop. To committee on Corporations.

No. 563, S. By Senator Bishop. To committee on Finance.

COMMITTEE REPORT.

Committee on Judiciary report and recommend:

155, S., and

190, S.,

message.

188, S.,

option of substitute amendment No. 1, S., and passage.

189, S.,

option of substitute amendment No. 1, S., and passage.

197, S.,

option of amendment No. 1, S., and passage.

263, S.,

option of amendment No. 1, S., and passage.

350, A.,

concurrency.

163, S., and

422, S.,

infinite postponement.

E. F. KILEEN,
Chairman.

MESSAGES FROM THE ASSEMBLY.

C. E. SHAFFER, chief clerk thereof.

RESIDENT:

is directed to inform you that the assembly has concurred in
amendment No. 1, S., to

432, A., and

amendment No. 1, S., to

652, A.

is adopted, and asks concurrence in,

Res. No. 62, A.

is passed, and asks concurrence in,

86, A.,

922, A.,

1068, A.,

1077, A.,

1082, A.,

1083, A.

Has concurred in

No. **43, S.**,

No. **74, S.**,

No. **76, S.**,

No. **164, S.**,

No. **173, S.**,

No. **283, S.**,

No. **299, S.**,

No. **300, S.**,

No. **374, S.**,

No. **380, S.**

Has non-concurred in

No. **102, S.**,

No. **108, S.**,

No. **329, S.**,

No. **370, S.**

Has amended, and concurred in, as amended,

No. **187, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 62, **A.**,

Was concurred in.

Read first time and referred.

No. **86, A.** To committee on State Affairs.

No. **922, A.** To committee on State Affairs.

No. **1068, A.** To committee on Judiciary.

No. **1077, A.** To committee on Corporations.

No. **1082, A.** To committee on State Affairs.

No. **1083, A.** To committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **126, S.**

Substitute amendment No. 1, S., adopted.

No. **126, S.**, as amended,

Was ordered engrossed and read a third time.

No. **154, S.**

Substitute amendment No. 1, S., adopted.

No. **154, S.**, as amended,

Was ordered engrossed and read a third time.

No. **206, S.**

Substitute amendment No. 1, S., adopted.

No. **206, S.**, as amended,

Was ordered engrossed and read a third time.

No. **342, S.**

Substitute amendment No. 1, S., adopted.

No. **342, S.**, as amended,

Was ordered engrossed and read a third time.

Upon request of Senator Bosshard,

All rules interfering were suspended, with unanimous consent,
and

No. **126, S.**, and

No. **342, S.**,

Were placed upon their final passage at this time.

No. **126, S.**, and

No. **342, S.**,

Were each severally read a third time, and passed.

No. **412, S.**

Upon motion of Senator Randolph,

Laid over until Thursday, April 17, 1913.

No. **435, S.**,

Read second time.

Was ordered engrossed and read a third time.

Upon request of Senator Scott,

All rules interfering were suspended, with unanimous consent,
and

No. **435, S.**,

Was placed upon its final passage at this time.

No. **435, S.**,

A bill to amend section 553p—10 and to create subsections 4 to 10, inclusive, section 172—49 of the statutes relating to correction of appropriation clauses for Stout institute and making appropriations,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; noes 2; absent or not voting, 9; as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Stevens, Teasdale, Tomkins, Weigle, Weissleder, White, and Zophy—21.

Noes—Senators Albers and Husting—2.

Absent or not voting—Senators Bichler, Burke, Hoyt, Kellogg, Perry, Richards, Skogmo, Snover, and True—9.

And so the bill was passed.

Upon request of Senator Scott,

All rules interfering were suspended with unanimous consent,
and

No. **435, S.**,

Was ordered messaged to the assembly at once.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

Read second time.

No. **205, A.**,

Was ordered to a third reading.

Upon request of Senator White,

All rules interfering were suspended, with unanimous consent, and

No. **205, A.**,

Was placed on its concurrence at this time.

No. **205, A.**,

A bill to create a temporary commission to select a new site for the state fair grounds, to construct suitable and appropriate buildings on the same; to dispose of the present state fair grounds and all improvements thereon, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: **Ayes, 17; noes, 6; absent or not voting, 9, as follows:**

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kileen, Linley, **Martin A. K.**, Monk, Randolph, Scott, Stevens, Tomkins, and White—17.

Noes—Senators Husting, Martin H. C., Teasdale, **Weigle**, Weissleder, and Zophy—6.

Absent or not voting—Senators Bichler, Burke, Hoyt, Kellogg, Perry, Richards, Skogmo, Snover, and True—9.

And so the bill was concurred in.

No. **372, A.**

Senator Teasdale offered amendment No. 1, S.

Which amendment was adopted.

No. **372, A.**, as amended,

Was refused a third reading.

No. **580, A.**,

No. **620, A.**, and

No. **731, A.**,

Were each severally ordered to a third reading.

No. **721, A.**

Amendment No. 1, S., adopted.

No. **721, A.**, as amended,

Was ordered to a third reading.

Upon request of Senator Randolph,

All rules interfering were suspended by unanimous consent, and

No. **580, A.**,

No. **620, A.**,

No. **721, A.**, and

No. **731, A.**,

Were placed upon their concurrence at this time.

A.,
A.,
A., and
A.

severally read a third time, and concurred in.

RESOLUTIONS READY FOR THIRD READING.

S.,
S.,
S.,
S., and
S.,

severally read a third time, and passed.

S.
ion of Senator Randolph,
till Thursday, April 17, 1913.

A.,
A.,
A.,
A.,
A.,
A.,
A.,
A., and
A.,

severally read a third time, and concurred in.

A.,
concurred in.

A.,
ion of Senator Scott,
till Thursday, April 17, 1913.

A.,
a third time, and concurred in.

A.,
appropriate to Elizabeth A. Werner, John Jennings
ennings, a sum of money therein named,
a third time.

ion was, Shall the bill be concurred in?

and noes were required, and the vote was: Ayes, 20;
absent or not voting, 12, as follows:

nators Ackley, Albers, Bishop, Bosshard, Cunnings-
, Huber, Kileen, Linley, Martin A. E., Martin

H. C., Monk, Randolph, Scott, Stevens, Teasdale, Weigle, Weissleder, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Bichler, Burke, Culbertson, Hoyt, Husting, Kellogg, Perry, Richards, Skogmo, Snover, Tomkins and True—12.

And so the bill was concurred in.

No. **984, A.**,

A bill to amend section 604v of the statutes, relating to the compensation by the state for the care of insane patients in the Milwaukee hospital for the insane,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Cunningham, Glenn, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Stevens, Weigle, Weissleder, White, and Zophy—19.

Noes—Senator Teasdale—1.

Absent or not voting—Senators Bichler, Burke, Culbertson, Hoyt, Husting, Kellogg, Perry, Richards, Skogmo, Snover, Tomkins, and True—12.

And so the bill was concurred in.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator White filed one bill for revision at the chief clerk's desk.

7:30 O'CLOCK P. M

The senate was called to order by the chief clerk.

Upon motion of Senator Skogmo,

Senator Teasdale was elected to preside for this session.

COMMITTEE REPORT.

The committee on State Affairs report and recommend:

No. **101, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **344, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **668, A.**,

Non-concurrence.

No. **157, A.**,

No. **525, A.**,

No. **526, A.**,

No. **899, A.**,

No. **969, A.**,

No. **985, A.**,

No. **998, A.**, and

No. **1052, A.**,

Concurrence.

M. F. WHITE,

Chairman.

The senate committee on Finance report and recommend:

Jt. Res. No. 59, A.,

Amendment No. 1, S., and concurrence.

G. E. SCOTT,

Chairman.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,

Leave of absence was granted to Senator Richards for this session and for the balance of the week.

ADJOURNMENT.

Upon motion of Senator Monk,

The senate adjourned.

CLERK'S REPORT.

The chief clerk under rule 32 makes the following correction in amendment No. 1, S., to No. **408, S.**:

Strike out the word "in" where it occurs in line 4 and insert in lieu thereof the word "at".

The chief clerk records:

No. **154, S.**,

No. **206, S.**,

No. **284, S.**, and
No. **408, S.**,
Correctly engrossed.

BILLS FOR REVISION.

The committee on Judiciary filed four bills for revision at the
chief clerk's desk.

WEDNESDAY, APRIL 16, 1913.

10:00 O'CLOCK A. M.

The senate met.

¶ The president pro tempore in the chair.

Prayer was offered by the Rev. E. E. Horth.

¶ The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, Weissleder, White, and Zophy—29.

Absent—Senator Kellogg—1.

Absent with leave—Senators Perry, and True—2.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Husting and Tomkins for this session.

The journal of yesterday was approved.

MOTIONS.

Upon request of Senator White,

All rules interfering, were suspended, with unanimous consent, and

No. **205, S.**,

Was ordered messaged to the assembly at once.

Upon motion of Senator Bishop,

The vote by which No. **372, A.**, was refused a third reading, was reconsidered.

Upon motion of Senator Bishop,

No. **372, A.**,

Was re-referred to the committee on State Affairs.

Upon motion of Senator Kileen,
No. **279, A.**,

Was recalled from the committee on Judiciary and re-referred to the committee on State Affairs.

PETITIONS.

Pet. No. 564, S. By Senator Scott. To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **112, A.**,
No. **292, A.**,
No. **354, A.**,
No. **480, A.**,
No. **744, A.**,
No. **772, A.**,
No. **1013, A.**,
No. **1041, A.**,
No. **1078, A.**

Concurred in:

No. **56, S.**,
No. **159, S.**,
No. **178, S.**,
No. **194, S.**,
No. **248, S.**,
No. **338, S.**,
No. **372, S.**,
No. **378, S.**

Non-concurred in

No. **71, S.**,
No. **95, S.**,
No. **115, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and considered.

No. **112, A.** To committee on Corporations.
No. **292, A.** To committee on Corporations.
No. **354, A.** To committee on State Affairs.
No. **480, A.** To committee on Judiciary.
No. **744, A.** To committee on State Affairs.

- A.** To committee on Judiciary.
B, A. To committee on Corporations.
A. To committee on Judiciary.
B, A. To committee on Judiciary.

MOTIONS CONSIDERED.

A.
 ion was, Shall the vote by which the bill was refused
 ence be reconsidered?
 tion prevailed, and the vote was reconsidered.
 ophy offered amendment No. 1, S.
 ion was, Shall the amendment be adopted?
 was called for, and the amendment was adopted.
A., as amended,
 ion of Senator Hoyt,
 d to committee on Education and Public Welfare.

SPECIAL ORDER.

10:30 O'CLOCK A. M.

S.,
 reate section 1770ab of the statutes, relating to cor-
 Bosshard moved that No. **198, S.**, be re-referred to
 ee on Corporations.
 and noes were demanded, and the vote was: Ayes, 13;
 sent or not voting, 3, as follows:
 ators Bishop, Bosshard, Culbertson, Hoyt, Huber,
 een, Martin H. C., Monk, Randolph, Skogmo, Teas-
 mkins—13.
 ators Ackley, Albers, Bichler, Burke, Cunningham,
 ey, Martin A. E., Richards, Scott, Snover, Stevens,
 issleder, White, and Zophy—16.
 not voting—Senators Kellogg, Perry, and True—3.
 e senate refused to re-refer the bill.

Bosshard moved that No. **198, S.**, be placed at the
 y's calendar.
 and noes were demanded and the vote was: Ayes, 14;
 sent or not voting, 3, as follows:
 ators Bishop, Bosshard, Culbertson, Hoyt, Huber,
 een, Martin H. C., Monk, Randolph, Scott, Skogmo,
 d Tomkins—14.
 ators Ackley, Albers, Bichler, Burke, Cunningham,
 y, Martin A. E., Richards, Snover, Stevens, Weigle,
 White, and Zophy—15.

Absent or not voting—Senators Kellogg, Perry, and True—3.
And so the senate refused to place the bill at the foot of the calendar.

Senator Skogmo moved to lay the bill over and make it a special order at 10:30 o'clock a. m., Wednesday, April 23, 1913.

Senator Burke rose to a point of order that the motion to place at the foot of the calendar was a motion to postpone, and that a second motion to postpone could not be entertained at this time.

The president held the point not well taken, stating that the motion to place at the foot of the calendar was not a motion to postpone within the intent of the rule.

Senator Burke moved the previous question upon the bill and all questions relating thereto.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 2; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Linley, Monk, Richards, Scott, Snover, Stevens, Teasdale, Weigle, Weissleder, White, and Zophy—21.

Noes—Senators Bosshard and Martin A. E.—2.

Absent or not voting—Senators Husting, Kellogg, Kileen, Martin H. C., Perry, Randolph, Skogmo, Tomkins, and True—9.

And so the main question was ordered to be now put.

The senate refused to lay the bill over under the motion of Senator Skogmo.

Substitute amendment No. 1, S., was refused adoption.

Senator Skogmo offered substitute amendment No. 2, S.

Senator Skogmo moved that the senate take a recess until 7:30 o'clock p. m.

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 18; absent or not voting, 5, as follows:

Ayes—Senators Bishop, Hoyt, Huber, Kileen, Martin H. C., Monk, Skogmo, Teasdale, and Tomkins—9.

Noes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Linley, Martin A. E., Richards, Scott, Snover, Stevens, Weigle, Weissleder, White, and Zophy—18.

Absent or not voting—Senators Husting, Kellogg, Perry, Randolph, and True—5.

And so the motion was lost.

Senator Burke moved that substitute amendment No. 2, S., be laid on the table.

Senator Bosshard rose to a point of order, that the substitute amendment must lay over under the rules before action.

The president held the point of order well taken.

Senator Scott moved that all rules interfering be suspended, and that substitute amendment No. 2, S., be acted upon at this time.

The ayes and noes were required, and the vote was: Ayes, 18; noes, 9; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Linley, Martin A. E., Richards, Scott, Snover, Stevens, Weigle, Weissleder, White, and Zophy—18.

Noes—Senators Bosshard, Hoyt, Huber, Kileen, Martin H. C., Monk, Skogmo, Teasdale, and Tomkins—9.

Absent or not voting—Senators Husting, Kellogg, Perry, Randolph, and True—5.

And so the rules were suspended.

Senator Bosshard moved

A CALL OF THE SENATE,

Which motion was seconded by a sufficient number and the president directed the sergeant to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, Weissleder, White, and Zophy—27.

Absent—Senators Kellogg and Randolph—2.

Absent with leave—Senators Husting, Perry, and True—3.

Senator Scott moved that further proceedings under the Call be dispensed with.

The ayes and noes were required, and the vote was: Ayes, 20; noes, 7; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Kileen, Linley, Martin A. E., Richards, Scott, Snover, Stevens, Teasdale, Weigle, Weissleder, White, and Zophy.—20.

Noes—Senators Bosshard, Hoyt, Huber, Martin H. C., Monk, Skogmo, and Tomkins—7.

Absent or not voting—Senators Husting, Kellogg, Perry, Randolph, and True—5.

And so further proceedings under the call were dispensed with.

Substitute amendment No. 2, S., was refused adoption.

The question was, "Shall the bill be indefinitely postponed?"

Senator Bosshard rose to debate the question.

Senator Burke rose to a point of order that the main question having been ordered to be now put, debate was out of order.

The president held the point well taken.

Division was called for, and the bill was indefinitely postponed.

RECESS.

Upon motion of Senator Scott,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

The committee on State Affairs filed one bill for revision at the chief clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

SPECIAL ORDER.

Jt. Res. No. 20, A.

Upon motion of Senator Ackley,

Laid over until Wednesday, April 30, 1913.

REGULAR ORDER.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **22, S.]**

Amendment No. 1, S., refused adoption.

Substitute amendment No. 2, S., adopted.

No. **22, S.,** as amended,

Was ordered engrossed and read a third time.

No. **42, S.**

Senator Albers offered amendment No. 1, S., to substitute amendment No. 3, S.,

Which amendment was adopted.

Substitute amendment No. 3, S., as amended, was adopted.

No. **42, S.,** as amended,

Was ordered engrossed and read a third time.

No. **78, S.]**

Substitute amendment No. 1, S., adopted,

No. 78, S., as amended,
Was ordered engrossed and read a third time.

No. 149, S.,
Substitute amendment No. 1, S., adopted.

No. 149, S., as amended,
Was ordered engrossed and read a third time.

No. 257, S.

Amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 24;
noes, none; absent or not voting, 8; as follows:

Ayes—Sensors Ackley, Albers, Bichler, Bishop, Bosshard,
Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Kileen,
Linley, Martin A. E., Martin H. C., Monk, Richards, Scott,
Skogmo, Snover, Stevens, Teasdale, Weigle, and Zophy—24.

Noes—None.

Absent or not voting—Senators Huber, Husting, Perry, Ran-
dolph, Tomkins, True, Weissleder, and White—8.

And so amendment was adopted.

No. 257, S., as amended,

A bill to provide for the appointment of a committee to investi-
gate and report on the subject of white slave traffic, and kindred
subjects, and making an appropriation therefor.

The question was, Shall the bill be ordered engrossed and read
a third time?

The ayes and noes were demanded, and the vote was: Ayes, 24;
noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard,
Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Kileen,
Linley, Martin A. E., Martin H. C., Monk, Richards, Scott,
Skogmo, Snover, Stevens, Teasdale, Weigle, and Zophy—24.

Noes—None.

Absent or not voting—Senators Huber, Husting, Perry, Ran-
dolph, Tomkins, True, Weissleder, and White—8.

And so the bill was ordered engrossed and read a third time.

No. 131, S.

Upon motion of Senator Teasdale,

Laid over until Wednesday, April 23, 1913.

No. 214, S.,

No. 229, S., and

No. 230, S.,

Were indefinitely postponed.

Jt. Res. No. 8, S.

Upon motion of Senator Zophy,

Laid over until Wednesday, April 23, 1913.

No. 230, S.,

A bill to amend subsection 2 of section 1087m—8 and 1087m—

14 of the statutes, relating to income tax assessors and boards of review.

Senator Cunningham moved that the vote by which No. **230, S.**, was indefinitely postponed, be reconsidered and that further consideration of the bill be deferred until tomorrow.

The ayes and noes were required, and the vote was: Ayes, 16; noes, 9; absent or not voting, 7, as follows.

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Linley, Martin A. E., Martin H. C., Monk, Richards, Snover, Stevens, Teasdale, Weigle, and Zophy—16.

Noes—Senators Bosshard, Culbertson, Glenn, Hoyt, Huber, Kellogg, Kileen, Scott, and Skogmo—9.

Absent or not voting—Senators Hustung, Perry, Randolph, Tomkins, True, Weissleder, and White—7.

And so the senate refused to suspend the rule, thereby refusing to lay further consideration over until tomorrow.

The question then was, Shall the vote by which No. **230, S.**, was indefinitely postponed be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 9; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Linley, Martin A. E., Martin H. C., Monk, Richards, Snover, Stevens, Teasdale, Weigle, and Zophy—16.

Noes—Senators Bosshard, Culbertson, Glenn, Hoyt, Huber, Kellogg, Kileen, Scott, and Skogmo—9.

Absent or not voting—Senators Hustung, Perry, Randolph, Tomkins, True, Weissleder, and White—7.

And so the vote was reconsidered.

Senator Cunningham moved that the rules be suspended, and No. **230, S.**,

Be laid over until tomorrow, and placed at the foot of the calendar.

The ayes and noes were required, and the vote was: Ayes, 16; noes, 10; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Linley, Martin A. E., Martin H. C., Monk, Richards, Snover, Stevens, Weigle, White, and Zophy—16.

Noes—Senators Bosshard, Culbertson, Glenn, Hoyt, Huber, Kellogg, Kileen, Scott, Skogmo, and Teasdale—10.

Absent or not voting—Senators Hustung, Perry, Randolph, Tomkins, True, and Weissleder—6.

And so the senate refused to suspend the rules.

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 26; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Weigle, White, and Zophy—26.

Noes—None.

Absent or not voting—Senators Husting, Perry, Randolph, Tomkins, True, and Weissleder—6.

And so the bill was indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

No. 7, A.

Amendment No. 1, S., adopted.

No. 7, A., as amended,

A bill to amend section 695 of the statutes, relating to the compensation of members of the county board.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 1; noes, 25; absent or not voting, 6, as follows:

Ayes—Senator Bosshard—1.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Weigle, White, and Zophy—25.

Absent or not voting—Senators Husting, Perry, Randolph, Tomkins, True, and Weissleder—6.

And so the senate refused to non-concur in the bill and thereby ordering it to a third reading.

Upon request of Senator Ackley,

All rules interfering, were suspended, with unanimous consent, and

No. 7, A.,

Was placed upon its concurrence at this time.

No. 7, A.,

Was read a third time and concurred in.

Upon request of Senator Ackley,

All rules interfering, were suspended, with unanimous consent, and

No. 7, A.,

Was ordered messaged to the assembly at once.

BILLS AND RESOLUTIONS READY FOR A THIRD READING.

No. 249, S.

Amendment No. 2, S., adopted.

No. 249, S., as amended,

A bill, to provide for the construction and equipment of a state administration building in the city of Milwaukee, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 4; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Burke, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Monk, Richards, Scott, Snover, Stevens, Weigle, and Zophy—19.

Noes—Senators Albers, Culbertson, Martin H. C., and Teasdale—4.

Absent or not voting—Senators Glenn, Hustling, Perry, Randolph, Skogmo, Tomkins, True, Weissleder, and White—9.

And so the bill was passed.

No. 298, S.,

A bill to create section 4733—b of the statutes, relating to the sentence and commitment of felons.

Senator Bichler moved that the bill be laid over until Wednesday, April 30, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 15; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Bishop, Burke, Cunningham, Linley, Martin A. E., Richards, Weigle, and Zophy—9.

Noes—Senators Albers, Bichler, Bosshard, Culbertson, Glenn, Hoyt, Huber, Kellogg, Kileen, Martin H. C., Monk, Scott, Skogmo, Snover, and Teasdale—15.

Absent or not voting—Senators Hustling, Perry, Randolph, Stevens, Tomkins, True, Weissleder, and White—8.

And so the senate refused to lay the bill over.

No. 298, S.,

Was read a third time, and passed.

No. 413, S., and

No. 418, S.,

Were each severally read a third time, and passed.

No. 77, A.,

No. 337, A.,

No. 585, A.,

No. 595, A., and

No. 618, A.,

Were each severally read a third time, and concurred in.

COMMITTEE REPORTS.

The joint committee on Finance report and recommend:

No. 139, S.,

Indefinite postponement.

No. 244, S.,

Passage.

No. 621, A.,

No. 659, A., and

2, A.,
ence.

G. E. SCOTT,
Chairman, Senate Committee.

R. J. NYE,
Chairman, Assembly Committee.

Committee on Education and Public Welfare report and
id:

S.,
te postponement.

5, A.,
ence, Senator Albers dissenting.

A.,
7, A.,

5, A.,

5, A.,

5, A.,

2, A.,

5, A.,

0, A.,

2, A., and

6, A.,

ence.

A.,

on of amendment No. 1, S., and concurrence.

HOWARD TEASDALE,
Chairman.

Committee on Corporations report and recommend:

2, A.,

on of substitute amendment No. 1, S., and concurrence.

5, A.,

on of amendment No. 1, S., and concurrence.

31, A.,

1, A.,

9, A.,

8, A.,

2, A.,

7, A.,

0, A., and

5, A.,

ence.

4, A.,

ence, Senator Skogmo not voting.

0, A.,

ncurrence.

OTTO BOSSHARD,
Chairman.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate;

The following bills, originating in the senate, have been approved, signed and deposited in the office of the secretary of state:

No. **28,**

An act relating to expert and clerical assistance, and making an appropriation therefor.

Approved February 11.

No. **6,**

An act to amend that portion of section 2424 of the statutes, relating to terms of court in the seventh judicial circuit.

Approved February 11.

No. **2,**

An act to amend sections 111c, 111d, 111e, and 111f of the statutes, relating to legislative employes, and making an appropriation.

Approved February 26.

No. **9,**

An act to amend subsection 12 of section 20.84 of the statutes, relating to the distribution of Wisconsin blue books.

Approved March 11.

No. **381,**

An act to validate proceedings heretofore taken for the creation of towns under the provisions of sections 775a, 775b, 775c, and 775d of the statutes.

Approved March 12.

No. **160,**

An act to amend subsection 2 of section 26 of the statutes, relating to registration of voters.

Approved March 14.

No. **168,**

An act to create section 495—6m of the statutes, relating to dissolution of union free high school districts.

Approved March 14.

No. **65,**

An act to amend section 1 of chapter 574 of the laws of 1911, authorizing certain changes in the historical library building and its equipment.

Approved March 21.

No. **158,**

An act to amend section 919c of the statutes, relating to borrowing money and raising a tax for the construction of sewers in villages, and validating proceedings heretofore had in respect thereto.

Approved March 25.

to appropriate to August Lehnhoff, a sum of money
med, for expenses incurred in defending suit of mali-
cution brought against him as factory inspector.
d March 27.

3,
to appropriate to Valentine Raeth a specified sum of
reimburse him for payments made by him.
d March 27.

to appropriate sums of money therein named to the state
commission.
d March 27.

to repeal section 1494f, subsection 33 of section 170,
n 4605a of the statutes, and to create section 1494f of
s, relating to the inspection of apiaries, and making
tiation therefor.
d March 29.

to amend section 4174 of the statutes, relating to proof
tion of notices.
d March 27.

to amend subdivision 4, and to create subdivision 5 of
67m--22, of the statutes, relating to the assessment,
and payment of income taxes, and the correction of
ax proceedings.
d March 29.

to amend chapter 199, laws of 1905, relating to the
urt of Dane county, and to create sections 2517m of
s, relating to the municipal court of Dane county.
d March 29.

7,
to create section 946m of the statutes, validating the sub-
o railroad aid bonds, in certain cases.
d March 29.

to create section 517 of the statutes, providing for the
tion of school buildings.
d March 27.

3,
to amend section 18 of chapter 71 of the laws of 1897,
d by chapter 427, laws of 1911, relating to the county
efferson county.
d March 29.

No. 39,

An act to detach certain territory from the town of Couderay, and to create the town of Edgewater, Sawyer county.

Approved March 29.

No. 40,

An act to detach certain territory from the town of Winter, and to create the town of Draper, in Sawyer county, Wisconsin.

Approved March 29.

No. 179,

An act to amend subsection 5 of section 1863a of the statutes, relating to the exercise of the right of eminent domain by railroads, and by street and electric railway corporations.

Approved April 11.

No. 191,

An act to repeal sections 4918—2, 4918—3, 4918—4, 4918—5, 5918—6, 4918—7, 4918—8, and 4918—9 of the statutes, relating to the sale of binders twine manufactured at the Wisconsin state prison.

Approved April 7.

No. 420.

An act to amend section 3, chapter 34, laws of 1889, entitled "An act to amend the articles of association organizing the Chicago, Milwaukee & St. Paul Railway Company," and the several acts amendatory thereof.

Approved April 8.

No. 17.

An act to amend section 1564 of the statutes, relating to the sale of intoxicating liquors, and providing a penalty therefor.

Approved April 12.

No. 174,

An act to amend subsection 21 and 62 of section 5 of the statutes, relating to the boundaries of Forest county, and Vilas county.

Approved April 12.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

April 16 1913

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. 991, A.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. 991, A. To calendar.

ADJOURNMENT.

Upon motion of Senator Monk,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. 38, S.,

No. 62, S.,

No. 170, S.,

No. 363, S.,

Ny. 371, S.,

No. 390, S.,

No. 392, S., and

No. 415, S.,

Correctly enrolled at 7:00 o'clock p. m.

BILLS FOR REVISION.

The committee on Education and Public Welfare filed one bill for revision at the chief clerk's desk.

The chief clerk, under rule 32, made the following correction in bill No. 62, S.:

Strike out sub-section 2 of section 2, and insert in lieu thereof the following:

"2. All expense and cost of the publication of said notice, if any, and of said survey, shall be * * * apportioned by the town clerk among the several pieces or parcels of land in said section upon the basis of the area surveyed and by him included in the next tax roll and shall be collected in the same manner as other taxes are collected."

35—S. J.

THURSDAY, APRIL 17, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. E. E. Horth.

The roll was called and the following senators answered to their names:

Senators Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileeh, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—30.

Absent—Senators Ackley and Weissleder—2.

The journal of yesterday was approved.

RESOLUTIONS.

Jt. Res. No. 37, S.,

WHEREAS, The monument to the Fifth Wisconsin Volunteers, who so valiantly fought on the battle field at the battle of Gettysburg, erected on the battlefield at Gettysburg, Pennsylvania, by the state of Wisconsin, was on March 4th, 1913, defaced by vandals,

Be it resolved by the senate, the assembly concurring, That we express our sincere regret that in this great republic there should live those with so little appreciation of the blessings secured to them by the great sacrifice of these heroes, and that such utter lack of patriotism should be exhibited in so unfortunate and conspicuous a manner.

Resolved further, That a copy of this resolution be forwarded to the Gettysburg National Park Commission at Gettysburg, Pa.

By Senator Bishop.

Adopted.

COMMUNICATIONS TO THE SENATE.

APRIL 17, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

H. A. Fetertzheim, representing Wisconsin Safety League upon No. **569, A.**

A. J. Lindemann, Pres., 249 Greenbush St., Milwaukee, representing A. J. Lindemann & Haverson Co., Milwaukee, upon No. **273, S.**

M. McMahon, Kewaunee, Wis., representing City of Kewaunee, upon Nos. **877, A., 878, A.**

Wade H. Richardson, 334 Maple Terrace, Wauwatosa, Wis., representing himself upon No. **273, S.**, and all matters pertaining to Real Estate in Milwaukee county.

Edward Seyk, Kewaunee, Wis., representing City of Kewaunee, upon No. **877, A.**, and No. **878, A.**

C. B. Whitnall, Landscape Architect, Milwaukee, representing himself upon No. **273, A.**

F. P. Zeller, representing himself, upon Semi-monthly Pay Day.

Joseph G. Neniebborg, 406 Pereles Bldg., Milwaukee, representing Wisconsin Bottlers' Assn., 377 Milw. St., Milwaukee, upon No. **106, A.**, and No. **948, A.**

H. H. Karrow, Atty., Milwaukee, representing Some of the Business Men of Milwaukee, upon No. **273, S.**

W. H. Lyon, Attorney, 141 Broadway, New York City, representing Investing Bankers' Assn., upon matters relating to Issue and Sale of Securities.

W. J. Riley, Attorney, South Milwaukee, representing Some Business Men of Milwaukee, upon No. **273, S.**

James E. Thomas, Waukesha, Wis., representing E. Humphrey, Delafield, upon No. **269, A.**

W. F. Wolfe, La Crosse, Wis., representing La Crosse Retail Liquor Dealers' Assn., upon No. **48, S.**

 COMMITTEE REPORT.

The committee on Judiciary report and recommend:
No. **344, S.**,

Adoption of amendment No. 1, S., and passage.

No. **6, A.**,
 Adoption of amendment No. 1, S., and concurrence.
 No. **23, A.**,
 Adoption of amendment No. 1, S., and concurrence.
 No. **32, A.**,
 No. **130, A.**,
 No. **214, A.**,
 No. **221, A.**,
 Concurrence.

E. F. KILEEN,
 Chairman.

ASSEMBLY MESSAGE CONSIDERED.

No. **187, S.**
 Amendment No. 1, A., concurred in.

RESOLUTIONS CONSIDERED.

Jt. Res No. 59, A.
 Amendment No. 1, S., adopted.
 Jt. Res. No. 59, A., as amended,
 Was concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **103, S.**

Amendment No. 1, S.,
 Senator Linley offered amendment No. 1, S., to substitute amendment No. 2, S.

Senator Randolph rose to a point of order, stating that the bill, carrying an appropriation, must be referred to the committee on Finance under the rules.

The chair held the point well taken, and

The bill was rereferred to the committee on Finance under the rules.

The chief clerk under rule 32, corrected the title of No. **103 S.**, and substitute amendment, to the bill by adding thereto in each case "and making an appropriation".

No. **155, S.**, and

No. **190, S.**,

Were each severally ordered engrossed and read a third time.

No. **188, S.**

Substitute amendment No. 1, S., adopted.

No. **188, S.**, as amended,

Was ordered engrossed and read a third time.

3.
on of Senator Huber,
ver until Thursday, May 1, 1913.

3.
t No. 1, S., adopted.
S., as amended,
d engrossed and read a third time.

S.
t No. 1, S., to amendment No. 1, S., offered by Sen-
, adopted.
t No. 1, S., adopted.
was called for, and
S., as amended,
d engrossed and read a third time.

S.
t No. 1, S., to substitute amendment No. 1, S.,
amendment No. 1, S., as amended, was adopted.
S., as amended,
d engrossed and read a third time.

S.
on of Senator Perry,
rred to committee on Education and Public Welfare.
S.,

end sections 1567 and 1569 of the statutes, and to
1569m of the statutes, relating to the sale of intox-
s to Indians.

t No. 1, S.
shop moved that the bill be indefinitely postponed.
ent held that the question on the amendment must
der rule 68 which gives a motion to amend prece-
motion to postpone indefinitely.

t No. 1, S., was refused adoption.
ley moved that the vote by which amendment No.
used adoption, be reconsidered.
d noes were demanded, and the vote was: Ayes, 14;
nt or not voting, 5, as follows:

ctors Burke, Culbertson, Cunningham, Glenn, Huber,
y, Perry, Scott, Stevens, Teasdale, True, Weigle

4.
ctors Albers, Bichler, Bishop, Bosshard, Hoyt, Kel-
A. E., Martin H. C., Monk, Randolph, Skogmo,
phy—13.

not voting—Senators Ackley, Husting, Richards,
Weissleder—5.

vote was reconsidered.

Amendment No. 1, S., refused adoption.

This question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes 22; noes, 5; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E. Martin H. C., Monk, Perry, Randolph, Skogmo, Snover, Stevens True, Weigle, White, and Zophy—22.

Noes—Senators Burke, Culbertson, Hoyt, Scott, and Teasdale—5.

Absent or not voting—Senators Ackley, Husting, Richards Tomkins, and Weissleder—5.

And so the bill was indefinitely postponed.

No. **163, S.**, and

No. **422, S.**,

Were severally indefinitely postponed.

The president called Senator True to the chair.

Jt. Res. No. 24, S.

Senator Scott moved that that the resolution be laid over until Thursday, May 1, 1913.

Senator Bichler moved to amend the motion, to make it that the resolution be re-referred to the special committee on Conservation.

The president held the motion of Senator Bichler out of order under rule 68, which gives a motion to postpone to a day certain preference over a motion to commit because to allow a privilege motion to be amended by a motion of lower privilege would be to repeal the order of precedence established in the rule.

Senator Scott with unanimous consent withdrew his motion.

Upon motion of Senator Bichler,

Jt. Res. No. 24, S.,

Was re-referred to the committee on Judiciary.

No. **332, S.**

Senator Cunningham offered amendment No. 1, S.

Senator Cunningham moved that No. **332, S.**, and pending amendments, be re-referred to the committee on Finance.

Senator Bichler amended the motion to lay the bill and pending amendment over until Wednesday, April 23, 1913.

Which motion prevailed.

The president resumed the chair.

S.,
create subdivision (23) of section 2982 of the statutes,
provisions against exempt property.

at No. 1, S., to substitute amendment No. 1, S.
was called for and the amendment was refused

Teasdale offered amendment No. 2, S., to substitute
No. 1, S.,

amendment was refused adoption.

amendment No. 1, S.,

on was, Shall substitute amendment No. 1, S., be

and yeas were demanded and the vote was: Ayes, 4;
yeas and not voting, 9, as follows:

Senators Snover, Teasdale, Tomkins, and Zophy—4.
Senators Albers, Biehler, Bishop, Bosshard, Glenn,
Kellogg, Kileen, Linley, Martin A. E., Martin H.
Randolph, Scott, Skogmo, True, Weigle, and White—

not voting—Senators Ackley, Burke, Culbertson,
Husting, Perry, Richards, Stevens, and Weiss-

substitute amendment was refused adoption.

S.,
indefinitely postponed.

MOTIONS.

request of Senator White, and with unanimous consent,
A.,

be carried over until Tuesday, April 22, 1913.

request of Senator Albers, and with unanimous consent,
A.,

be carried over until Tuesday, April 22, 1913.

LEAVE OF ABSENCE.

request,
leave of absence was granted to Senator Cunningham until
April 21.

Senators White and A. E. Martin until Tuesday, April 22,

Senator Culbertson until Wednesday, April 23, 1913.

RECESS.

request of Senator Monk,
the Senate took a recess until 7:00 o'clock p. m.

BILLS FOR REVISION.

The committee on State Affairs filed two bills, the committee on Judiciary filed one bill, and Senator Culbertson filed one joint resolution for revision at the chief clerk's desk.

7:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

The committee on Legislative Procedure report and recommend for introduction, bills bearing the following revision numbers:

Nos. 455, 457, 469, 470, 471, 472, 473, 474, 475, 476.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **444, S.** (Revision No. 455). By Senator Weigle,—(by request.) To committee on Finance.

No. **445, S.** (Revision No. 457). By Senator Scott. To committee on Education and Public Welfare.

No. **446, S.** (Revision No. 469). By Committee on Finance. To committee on Finance.

No. **447, S.** (Revision No. 476). By Committee on State Affairs. To committee on State Affairs.

No. **448, S.** (Revision No. 475). By Committee on Judiciary. To committee on Judiciary.

No. **449, S.** (Revision No. 470). By Senator Skogmo. To committee on Finance.

No. **450, S.** (Revision No. 474). By Committee on Judiciary. To committee on Judiciary.

No. **451, S.** (Revision No. 473). By Committee on Judiciary. To committee on Judiciary.

No. **452, S.** (Revision No. 472). By Committee on Judiciary.
To committee on Judiciary.

No. **453, S.** (Revision No. 471). By Committee on State Affairs.
To committee on State Affairs.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in
Amendment No. 1, S., to No. **89, A.**

Has concurred in
Amendment No. 1, S., and amendment No. 2, S., to No.
126, A.

Has concurred in
Amendment No. 1, S., to amendment No. 1, A., to No.
334, S.

Has passed, and asks concurrence in,

No. **227, A.,**

No. **697, A.,**

No. **831, A.,**

No. **842, A.,**

No. **923, A.,**

No. **1048, A.,**

No. **1067, A.,**

No. **1093, A.**

Has concurred in

No. **24, S.,**

No. **203, S.**

Has amended, and concurred, in as amended,

No. **11, S.,**

No. **133, S.,**

No. **227, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **227, A.** To committee on Judiciary.

No. **697, A.** To committee on Education and Public Welfare.

No. **831, A.** To committee on Education and Public Welfare.

No. **842, A.** To committee on Corporations.

No. **923, A.** To committee on State Affairs.

- No. **1048, A.** To committee on Corporations.
 No. **1067, A.** To committee on Corporations.
 No. **1093, A.** To committee on Corporations.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **87, A.**,

Non-concurrence.

No. **13, A.**,

No. **313, A.**,

No. **369, A.**,

No. **370, A.**,

No. **438, A.**,

No. **841, A.**,

No. **918, A.**,

No. **994, A.**,

No. **1007, A.**,

No. **1042, A.**,

Concurrence.

No. **551, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **816, A.**

Adoption of amendment No. 1, S., and concurrence.

OTTO BOSSHARD,
 Chairman.

The committee on Education and Public Welfare report and recommend;

No. **335, S.**;

Indefinite postponement.

No. **414, A.**,

Concurrence.

No. **835, A.**,

Concurrence, Senator Teasdale dissenting.

No. **819, A.**, and

No. **877, A.**,

Non-concurrence.

HOWARD TEASDALE,
 Chairman.

Upon request of Senator Tomkins,
 All rules interfering were suspended with unanimous consent
 and

No. **1007, A.**,

Was placed upon its concurrence at this time.

No. **1007, A.**,

Was read a third time, and concurred in.

chief clerk under rule 32, makes the following correction
 amendment No. 1, S., to engrossed bill **344, A.**:

new paragraph to read: Insert the words "railroads or"
 words "where" where it occurs in the second line of the

the third paragraph of amendment No. 1, S., to read:
 at the word "or" where it occurs the second time in line
 section 1.

AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

a second time.

01, A.

amendment No. 1, S., adopted.

01, A., as amended,

ordered to a third reading.

44, A.

amendment No. 1, S., adopted.

44, A., as amended,

ordered to a third reading.

request of Senator Kileen,

debates interfering were suspended, with unanimous consent,

44, A.,

placed upon its concurrence at this time.

44, A.,

read a third time, and concurred in.

request of Senator Tomkins,

debates interfering were suspended with unanimous consent,

44 A., and

007, A.,

ordered messaged to the assembly at once.

50, A.,

25, A.,

26, A.,

99, A.,

98, A., and

052, A.,

each severally ordered to a third reading.

69, A.,

Mr Teasdale offered amendment No. 1, S., which was

No. **969, A.**, as amended,
Was ordered to a third reading.

No. **985, A.**
Upon motion of Senator Zophy,
Was laid over until Monday, April 21, 1913.

No. **668, A.**,
Was non-concurred in.

BILLS READY FOR THIRD READING.

No. **154, S.**
Upon motion of Senator Bosshard,
Laid over until Monday, April 21, 1913.

No. **206, S.**,
No. **284, S.**, and
No. **408, S.**,
Were each severally read a third time, and passed.

No. **245, S.**,
Was read a third time, and passed.
Upon request of Senator Biehler,
All rules interfering were suspended with unanimous consent,
and
No. **245, S.**,
Was ordered messaged to the assembly at once.

MOTIONS.

Senator Monk moved that the vote by which No. **198, S.**, was indefinitely postponed, be reconsidered.

Senator Scott moved that the motion be laid over until the next calendar.

ADJOURNMENT.

Senator Scott moved that the senate do now adjourn.

The ayes and noes were demanded, and the vote was: **Ayes, 11;** noes, 10; absent or not voting, 11, as follows:

Ayes—Senators Biehler, Bishop, Glenn, Kileen, Linley, Martin A. E., Perry, Richards, Scott, Stevens, and Zophy—11.

Noes—Senators Bosshard, Huber, Husting, Kellogg, Martin H. C., Monk, Randolph, Skogmo, Teasdale, and Tomkins—10.

Absent or not voting—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Hoyt, Snover, True, Weigle, Weissleder, and White—11.

And so the senate adjourned.

FRIDAY, APRIL 18, 1913.

10:00 O'CLOCK A. M.

Senate met.

President pro tempore in the chair.

Prayer was offered by the Rev. E. E. Horth.

Roll was called, and the following senators answered to names:

Senators Albers, Bichler, Bishop, Bosshard, Glenn, Huber, Kellogg, Martin H. C., Monk, Perry, Richards, Scott, Snow, Stevens, Teasdale, Tomkins, True, and Zophy—19.

Absent—Senators Ackley, Burke, Hoyt, Kileen, Linley, Ranney, Snover, Weigle, and Weissleder—9.

Present with leave—Senators Culbertson, Cunningham, Martin, and White—4.

LEAVE OF ABSENCE.

On request of Senator Tomkins, leave of absence was granted to Senator Hoyt until Tuesday, April 22, 1913.

On request of Senator Perry, leave of absence was granted to Senator Burke until Tuesday, April 22, 1913.

On request of Senator Richards, leave of absence was granted to Senator Weissleder until Tuesday, April 23, 1913.

Journal of yesterday was approved.

MOTIONS.

Senator Richards moved that the vote by which No. 274, S., be definitely postponed, be reconsidered.

President held the motion out of order, the time for reconsideration having expired.

Upon motion of Senator Richards,

All rules interfering, were suspended with unanimous consent, to allow him to move a reconsideration of the vote by which No. **274, S.**, was indefinitely postponed

Upon request of Senator Richards,

The vote by which No. **274, S.**, was indefinitely postponed, was reconsidered.

Upon motion of Senator Husting,

No. **274, S.**,

Was re-referred to the committee on Judiciary.

Upon request of Senator Bosshard,

All rules interfering were suspended with unanimous consent and

No. **918, A.**,

Was taken from next Monday's calendar and placed upon its concurrence at this time.

No. **918, A.**,

Was read a third time and concurred in.

Upon motion of Senator Skogmo,

Further consideration of the motion to reconsider the vote by which No. **198, S.**, was indefinitely postponed, was deferred until Thursday April 24, 1913.

Upon request of Senator Tomkins,

All rules interfering, were suspended with unanimous consent and

No. **918, A.**,

Was ordered messaged to the assembly at once.

BILLS FOR REVISION.

The special committee on Conservation filed one bill for revision at the chief clerk's desk.

RESOLUTIONS.

Jt. Res. No. 38, S.,

Recalling bill No. 170, S., from the governor.

*Resolved by the senate, the assembly concurring, That bill No. **170, S.**, be recalled from the governor for correction.*

By Senator Glenn.

Adopted.

Jt. Res. No. 39, S.,

Providing for printing extra copies of the water power bill.

Resolved by the senate, the assembly concurring, That there be printed one thousand extra copies of the water power bill introduced by the special committee on Conservation.

By Special Committee on Conservation. Adopted.

No. 40, S.,
 bill No. **390, S.**, from the governor for correction.
by the senate, the assembly concurring, That bill No.
 recalled from the governor for correction.
 or Huber.

PETITIONS.

- 5, S. By Senator Huber. To committee on State Affairs.
 6, S. By Senator Albers. To committee on State Affairs.
 7, S. By Senator Weigle. To committee on State Affairs.
 8, S. By Senator Albers. To committee on State Affairs.
-

COMMUNICATION TO THE SENATE.

APRIL 18, 1913.

ARK, Senate,
 ison, Wis.

In compliance with the provisions of Joint Resolu-
 S., I am transmitting herewith a list of those registered
 e counsel or agents since last report.

Very truly yours,
 J. S. DONALD,
 Secretary of State.

*Residence and Occupation of Counsel; Name and
 Employer, and Subject of Legislation.*

ahoney, President, Madison, Wis., representing Amer-
 y of Equity of Wis., Madison, Wis., upon all legisla-
 g to farm matters, and especially to the Wis. Society

ockert, Co. Supt. of Schools, Lancaster, Wis., repre-
 nself upon education.

rinier, Rhinelander, Wis., representing Oneida County,
 try.

Ryan, Niagara, Wis., representing himself upon No.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **410, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **419, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **646, A.,**

Adoption of amendment No. 1, S., and concurrence.

HOWARD TEASDALE,

Chairman.

The joint committee on Finance report and recommend:

No. **69, S.,**

Amendment No. 1, S., and passage, Senators Huber and Randolph, and Assemblymen Potts and Roethe dissenting.

No. **282, S.,**

No. **398, S.,**

Passage.

No. **346, S.,**

Substitute amendment No. 1, S., and passage.

No. **384, S.,**

Indefinite postponement.

G. E. SCOTT,

Chairman, Senate Committee.

R. J. Nye,

Chairman, Assembly Committee.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred
Amendment No. 1, S., to No. **547, A.**

Non-concurred in

No. **33, S.,**

Concurred in

No. **237, S.**

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **244, S.,**

Ordered engrossed and read a third time.

No. **30, S.,** and

No. **139, S.,**

Were each severally indefinitely postponed.

1.
 tion of Senator Skogmo,
 referred to committee on Education and Public Welfare.

A.
 tion of Senator Bichler,
 over till Wednesday, April 23, 1913.

A.
 tion of Senator Teasdale,
 till Tuesday, April 22, 1913.

cond time.

[illegible]

A.
nt No. 1, S., adopted.

A., as amended,
to a third reading.

A.
nt No. 1, S., adopted.

A., as amended,
red to a third reading.

A.
urred in.

36—S. J.

The chief clerk, under rule 32, corrected amendment No. 1, S., to bill No. **745, A.**, by adding thereto the following:

Amend the title of said bill by striking out the words "of the first class".

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Kellogg until Monday, April 28, 1913.

The committee on Legislative Procedure report and recommend for introduction bill bearing revision No. 484.

H. C. MARTIN,

Chairman.

The bill was read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

No. **454, S.**, (Revision No. 484.) By Special Committee on Conservation. To special committee on Conservation.

ADJOURNMENT.

Upon motion of Senator Monk,

The senate adjourned until Monday, April 21, 1913, at 9:00 o'clock p. m.

BILLS FOR REVISION.

The committee on Judiciary filed two bills and Senator Zoph filed one bill for revision at the chief clerk's desk.

The chief clerk records:

No. **22, S.**,

No. **42, S.**,

No. **78, S.**,

No. **149, S.**,

No. **188, S.**,

No. **197, S.**,

No. **257, S.**,

No. **263, S.**, and

No. **322, S.**,

Correctly engrossed.

chief clerk, under rule 32, made the following correction in
No. **263, S.**:

Strike out the word "in" where it occurs in line 4 of section 5
and insert in lieu thereof the word "at".

Insert the words "in the" before the word "manner" in the
line.

chief clerk, under rule 32, made the following corrections to
No. **363, S.**:

Insert a comma between the words "width" and "or" in line six
of section 1, of the printed bill. Further, insert a comma be-
tween the words "canvass" and "shall" in line seven of section 1,
insert the word "and" between "yard" and "an" in line
further, insert the word "a" between the words "in" and
"representative" in line thirty, of section 1.

chief clerk records:

173, S.,

380, S.,

164, S.,

correctly enrolled at 1:30 o'clock p. m., and

283, S., and

74, S.,

correctly enrolled at 2:20 o'clock p. m.

chief clerk, under rule 32, made the following corrections
No. **74, S.**:

Change the word "effects" where it appears in line 45 of the
bill to "effect."

Strike out the comma following the word "together" in line 111
of the printed bill.

MONDAY, APRIL 21, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. F. A. Gilmore, of the Unitarian Church of Madison, Wis.

Upon motion of Senator Teasdale,

The calling of the roll was dispensed with.

The journal of Friday, April 18, 1913, was approved.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 468, 477, 478, 480, 481, 482, 483.

H. C. MARTIN,

Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first times and referred.

No. **455, S.** (Revision No. 483). By Committee on Judiciary
To committee on Judiciary.

No. **456, S.** (Revision No. 468). By Committee on State
Affairs. To committee on State Affairs.

No. **457, S.** (Revision No. 477). By Committee on Education
and Public Welfare. To committee on Education and Public Welfare.

No. **458, S.** (Revision No. 478). By Committee on Judiciary
To committee on Judiciary.

S. (Revision No. 480). By Committee on State Affairs. To committee on State Affairs.

S. (Revision No. 481). By Senator Bichler. To committee on Education and Public Welfare.

S. (Revision No. 482). By Committee on Judiciary. To committee on Judiciary.

PETITIONS.

669, **S.** By Senator Scott. To committee on Finance.

COMMITTEE REPORTS.

Committee on Judiciary report and recommend:

1, A.,
9, A.,
4, A., and
6, A.,
 concurrence.
2, A.,
 n of amendment No. 1, **S.**, and concurrence.
3, A., and
9, A.,
 concurrence.
1, A.,
 n of amendment No. 1, **S.**, and concurrence.
3, A.,
 n of amendment No. 1, **S.**, and concurrence.
10, A., and
7, A.,
 concurrence.
2, A.,
2, A., and
4, A.,
 concurrence. Senator Linley dissenting on No. **764, A.**
A. PEARCE TOMKINS,
 Acting Chairman.

nt committee on Finance report and recommend:

S.,
 te amendment No. 1, **S.**, and passage.
10, S.,
 nent No. 1, **S.**, and passage.
8, S.,
 te postponement, Messrs. Potts and Smith dissenting.
1, S.,
3, S., and

No. **443, S.**,
Passage.
No. **423, S.**,
Amendment No. 1, S., and passage.
No. **142, A.**,
No. **596, A.**, and
No. **636, A.**,
Concurrence.

G. E. SCOTT,
Chairman Senate Committee.
R. J. NYE,
Chairman Assembly Committee.

The committee on State Affairs report and recommend:
No. **48, S.**,
No. **151, S.**,
No. **304, S.**, and
No. **393, S.**,
Indefinite postponement.
No. **844, A.**,
Non-concurrence.
No. **187, A.**,
No. **1008, A.**,
No. **1063, A.**, and
No. **1091, A.**,
Concurrence.

M. F. WHITE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has complied with the request for a committee on conference on No. **87, S.**,

And has appointed as conferees on part of the assembly, Messrs. McComb, Hood, and Rosa.

Has adopted the report of the committee on conference on No. **97, A.**,

And has amended, and concurred in, as amended, Amendment No. 1, S.

Concurred in

Jt. Res. No. 38, S.,

Jt. Res. No. 39, S.,

Jt. Res. No. 40, S.

Has passed, and asks concurrence in,

No. **116, A.**,
No. **235, A.**,
No. **299, A.**,
No. **485, A.**,
No. **627, A.**,
No. **664, A.**,
No. **750, A.**,
No. **758, A.**,
No. **787, A.**,
No. **881, A.**,
No. **961, A.**,
No. **995, A.**,
No. **1009, A.**,
No. **1059, A.**,
No. **1137, A.**,

Has adopted, and asks concurrence in,

Jt. Res. No. 10, A.,
Jt. Res. No. 33, A.,
Jt. Res. No. 50, A.

Has concurred in

No. **75, S.**,
No. **177, S.**,
No. **212, S.**

Has refused concurrence in

No. **175, S.**,
No. **221, S.**

Has non-concurred in

No. **134, S.**

Has amended, and concurred, in as amended,

No. **31, S.**,
No. **286, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **116, A.** To committee on Judiciary.
No. **235, A.** To calendar.
No. **299, A.** To committee on Education and Public Welfare.
No. **485, A.** To committee on Corporations.
No. **627, A.** To committee on State Affairs.
No. **664, A.** To committee on Judiciary
No. **750, A.** To committee on Education and Public Welfare.
No. **758, A.** To committee on Education and Public Welfare.

- No. **787, A.** To committee on Corporations.
No. **881, A.** To committee on Corporations.
No. **961, A.** To committee on State Affairs.
No. **995, A.** To committee on Corporations.
No. **1009, A.** To committee on Corporations.
No. **1059, A.** To committee on Corporations.
No. **1137, A.** To committee on Judiciary.
Jt. Res. No. 10, A. To committee on Judiciary.
Jt. Res. No. 33, A. To committee on Judiciary.
Jt. Res. No. 50, A. To committee on Judiciary.
No. **11, S.**
Amendment No. 1, A., concurred in.
No. **133, S.,**
Amendment No. 1, A., concurred in.
No. **227, S.,**
Amendment No. 1, A., concurred in.
-

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

- No. **344, S.**
Amendment No. 1, S., adopted.
No. **344, S.,** as amended,
Was ordered engrossed and read a third time.
No. **373, S.**
Amendment No. 1, S., adopted.
No. **373, S.,** as amended,
Was ordered engrossed and read a third time.
No. **335, S.,** and
No. **345, S.,**
Were severally indefinitely postponed.
-

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

- Read second time.
No. **6, A.**
Amendment No. 1, S., adopted.
No. **6, A.,** as amended,
Was ordered to a third reading.
No. **23, A.**
Amendment No. 1, S., adopted.

No. **23, A.**, as amended,
Was ordered to a third reading.

No. **551, A.**
Amendment No. 1, S., adopted.

No. **551, A.**, as amended,
Was ordered to a third reading.

No. **816, A.**
Amendment No. 1, S., adopted.

No. **816, A.**, as amended,
Was ordered to a third reading.

No. **13, A.**,

No. **32, A.**,

No. **130, A.**,

No. **214, A.**,

No. **221, A.**,

No. **313, A.**,

No. **369, A.**,

No. **370, A.**,

No. **414, A.**,

No. **438, A.**,

No. **835, A.**,

No. **841, A.**,

No. **985, A.**,

No. **994, A.**, and

No. **1042, A.**,

Were each severally ordered to a third reading.

No. **87, A.**,

No. **819, A.**, and

No. **877, A.**,

Were each severally non concurred in.

BILLS AND RESOLUTIONS READY FOR A THIRD READING.

No. **154, S.**

Amendment No. 2, S., was offered by Senator Monk, with
unanimous consent, adopted.

No. **154, S.**, as amended,
Was read a third time, and passed.

No. **155, S.**, and

No. **190, S.**,

Were each severally read a third time, and passed.

No. **101, A.**,

No. **350, A.**,

No. **525, A.**,

No. **526, A.**,

No. **899, A.**,

No. **969, A.**,

No. **998, A.**, and

No. **1052, A.**,

Was each severally read a third time, and concurred in.

ADJOURNMENT.

Upon motion of Senator Skogmo,

The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **76, S.**,

No. **153, S.**,

No. **299, S.**,

No. **300, S.**,

No. **338, S.**,

No. **372, S.**,

No. **374, S.**, and

No. **378, S.**,

Correctly enrolled at 10:00 o'clock a. m.

The chief clerk, under rule 32, made the following corrections in No. **372, S.**:

By striking out the word "of" where it appears in line 35 of section 2 of the printed bill and inserting in lieu thereof the word "from."

By changing the period which appears in line 15 of section 3 of the printed bill to a comma, and changing the capital "I" in the word "in" in said line to a small "i."

BILLS FOR REVISION.

The special committee on Insurance filed three bills and the committee on State Affairs filed one bill for revision at the chief clerk's desk.

TUESDAY, APRIL 22, 1913.
10:00 O'CLOCK A. M.

Senate met.

President pro tempore in the chair.

Prayer was offered by the Rev. F. A. Gilmore.

Roll was called and the following senators answered to their

Senators Ackley, Albers, Bichler, Bishop, Culbertson, Cunnings-
Glenn, Huber, Husting, Linley, Martin A. E., Martin H. C.,
Perry, Scott, Skogmo, Snover, Teasdale, Tomkins, True,
White—21.

Absent—Senators Bosshard, Kileen, Randolph, Richards, Stev-
Veigle, and Zophy—7.

Absent with leave—Senators Burke, Hoyt, Kellogg, and Weiss-
—4.

LEAVE OF ABSENCE.

On request of Senator Glenn,
Leave of absence was granted to Senator Zophy until Thursday,
24, 1913.

On request of Senator Skogmo,
Leave of absence was granted to Senator Bosshard until Friday,
25, 1913.

The journal of yesterday was approved.

The committee on Legislative Procedure report and recommend
Introduction, bills bearing revision numbers 486, 487, 488
89, and a joint resolution bearing revision No. 479.

H. C. MARTIN,
Chairman.

Bills and joint resolution were read by title and the recom-
mendation of the committee stood as the order of the Senate.

RESOLUTIONS INTRODUCED.

Read first time and referred.

Jt. Res. No. 41, S. (Revision No. 479.) By Senator Culbertson.
To committee on Judiciary.

BILLS INTRODUCED.

Read first time and referred.

No. **462, S.** (Revision No. 486). By Special Committee on Insurance. To committee on Finance.

No. **463, S.** (Revision No. 487). By Special Committee on Insurance. To special committee on Insurance.

No. **464, S.** (Revision No. 488). By Special Committee on Insurance. To special committee on Insurance.

No. **465, S.** (Revision No. 489). By Committee on State Affairs. To committee on State Affairs.

PETITIONS.

Pet. No. 570, S. By Senator Snover. To committee on Finance.

Pet. No. 571, S. By Senator Bishop. To committee on State Affairs.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the provisions of Jt. Resolutions No. 38, S., and No. 40, S., I return herewith bills Nos. **170, S.**, and **390, S.**, for the purposes of correction.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

April 22, 1913.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **170, S.**

Upon motion of Senator Glenn,

All rules interfering, were suspended with unanimous consent,
and

The vote by which No. **170, S.**, was passed, was reconsidered.

Upon motion of Senator Glenn,

Laid over until Thursday, April 24, 1913.

MESSAGE FROM THE ASSEMBLY.

SHAFFER, chief clerk thereof.

MENT:

ected to inform you that the assembly has concurred in
ent No. 1, S., to No. **183, A.**

concurred in
ent No. 1, S., to No. **364, A.**

ed, and asks concurrence in,

3, A.,

4, A.,

5, A.,

6, A.,

7, A.,

8, A., and

9, A.

concurred in

1, S.,

2, S.,

3, S.,

4, S., and

5, S.

concurred in

6, S., and

7, S.

ASSEMBLY MESSAGE CONSIDERED.

at time and referred.

3, A. To committee on Education and Public Wel-

4, A. To committee on Judiciary.

5, A. To committee on Corporations.

6, A. To committee on Corporations.

7, A. To committee on Corporations.

8, A. To committee on Education and Public Wel-

9, A. To committee on State Affairs.

D RESOLUTIONS READY FOR ENGROSSMENT.

S.,

appropriate a certain sum of money to the normal
income to build a normal school at Eau Claire.

Senator Huber moved to lay the bill over until Tuesday, May 6, 1913.

Senator Ackley amended the motion, to make No. **69, S.**, a special order for Thursday, April 24, 1913, at 10:30 o'clock a. m.

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 8; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Cunningham, Glenn, Linley, Martin A. E., Perry, Scott, Snover, True, and White—13.

Noes—Senators Culbertson, Huber, Husting, Martin H. C., Monk, Skogmo, Teasdale, and Tomkins—8.

Absent or not voting—Senators Bosshard, Burke, Hoyt, Kellogg, Kileen, Randolph, Richards, Stevens, Weigle, Weissleder, and Zophy—11.

And so the amendment was adopted.

The motion of Senator Huber, as amended, prevailed.

No. **282, S.**,

Was ordered engrossed and read a third time.

No. **398, S.**,

Read second time.

No. **346, S.**,

Substitute amendment No. 1, S., adopted.

No. **346, S.**, as amended,

Was ordered engrossed and read a third time.

No. **384, S.**

Upon motion of Senator Husting,

Re-referred to committee on Finance.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

No. **157, A.**, and

No. **325, A.**,

Were each severally ordered to a third reading.

No. **410, A.**

Amendment No. 1, S., adopted.

No. **410, A.**, as amended,

Was ordered to a third reading.

No. **419, A.**

Amendment No. 1, S., adopted.

No. **419, A.**, as amended,

Was ordered to a third reading.

No. **646, A.**

Amendment No. 1, S., adopted.

No. **646, A.**, as amended,

Was ordered to a third reading.

AND RESOLUTIONS READY FOR A THIRD READING.

„
S.,
S.,
S.,
S., and
S.,
rally read a third time, and passed.

„
repeal sections 1494p—1, 1494p—2, 1494t—1,
1494t—3, 1494t—4, 1494t—5, and 1494t—3m of the
statutes, and amend section 1494t—3n of the statutes,
and amend section 1494—41p; to amend subsection 3 of sec-
tion 2, and sections 1494—62 and 4442n of the statutes;
to change the section number of section 1494t—6 of the
statutes to create sections 1494—41m, 1494—41n, and 1494
statutes, relating and transferring the powers and
duties of the state park board to the state board of forestry, and
the appropriation therefor.

„
True, with unanimous consent, offered amendment No.

„
Amendment was adopted.

„
Teasdale moved that No. **78, S.**, be laid over until
April 29, 1913,
motion was lost.

„
S., as amended,
read a third time.

„
Question was, Shall the bill pass?

„
and yeas and nays were required, and the vote was: Ayes, 20;
yeas and nays, 11, as follows:

„
Senators Ackley, Albers, Biehler, Bishop, Culbertson,
Glenn, Huber, Husting, Linley, Martin A. E., Martin
K. Perry, Scott, Skogmo, Snover, Tomkins, True, and

„
Senator Teasdale—1.

„
Yeas and nays—Senators Bosshard, Burke, Hoyt, Kel-
ley, Randolph, Richards, Stevens, Weigle, Weissleder,
—11.

„
The bill was passed.

„
S.,
create sections 1636—202 to 1636—211, inclusive of
statutes, relating to certified public accountants, and appro-
priate revenues and providing penalties,
read a third time.

„
Question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 2; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Culbertson, Cunningham, Glenn, Huber, Husting, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Tomkins, True, and White—19.

Noes—Senators Albers and Teasdale—2.

Absent or not voting—Senators Bosshard, Burke, Hoyt, Kellogg, Kileen, Randolph, Richards, Stevens, Weigle, Weissleder, and Zophy—11.

And so the bill was passed.

No. 257, S.,

A bill to provide for the appointment of a committee to investigate and report on the subject of white slave traffic, and kindred subjects, and making an appropriation therefor,

Was read a third time.

The question was Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Cunningham, Glenn, Husting, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and White—19.

Noes—Senator Culbertson—1.

Absent or not voting—Senators Bosshard, Burke, Hoyt, Huber, Kellogg, Kileen, Randolph, Richards, Stevens, Weigle, Weissleder, and Zophy—12.

And so the bill was passed.

No. 621, A.,

A bill to create section 3203a of the statutes, relating to compensation for imprisonment of innocent persons and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Culbertson, Cunningham, Glenn, Huber, Husting, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Teasdale, True, and White—20.

Noes—None.

Absent or not voting—Senators Bosshard, Burke, Hoyt, Kellogg, Kileen, Randolph, Richards, Stevens, Tomkins, Weigle, Weissleder, and Zophy—12.

And so the bill was concurred in.

No. 738, A.,

A bill to amend section 1 of chapter 359 of the laws of 1909, being an act to amend section 1 of chapter 197 of the laws of 1893, as amended by chapter 200, of the laws of 1897, relating

g to the city of Milwaukee a certain portion of sub-
d for public park and boulevard purposes,
d a third time.

stion was, Shall the bill be concurred in?

s and noes were required, and the vote was: Ayes, 20;
; absent or not voting, 12, as follows:

Senators Ackley, Albers, Bichler, Bishop, Culbertson,
am, Glenn, Huber, Hustling, Linley, Martin A. E., Mar-
Monk, Perry, Scott, Skogmo, Snover, Teasdale, True,
e—20.

None.

or not voting—Senators Bosshard, Burke, Hoyt, Kel-
leen, Randolph, Richards, Stevens, Tomkins, Weigle,
r, and Zophy—12.

the bill was concurred in.

5, A.,

otion of Senator Bichler,
d over until Thursday, April 24, 1913.

3, A.,

o appropriate a sum of money to pay rent of offices for
or of incomes of Milwaukee county,
ad a third time.

White asked unanimous consent to offer an amendment.
Scott objected.

esident ruled the amendment out of order.

estion was, Shall the bill be concurred in?

es and noes were required, and the vote was: Ayes, 13;
bsent or not voting, 12, as follows:

Senators Ackley, Bichler, Bishop, Cunningham, Glenn,
inley, Martin A. E., Martin H. C., Monk, Scott, Skog-
True—13.

Senators Albers, Culbertson, Hustling, Perry, Snover,
and White—7.

or not voting—Senators Bosshard, Burke, Hoyt, Kel-
leen, Randolph, Richards, Stevens, Tomkins, Weigle,
er, and Zophy—12.

the bill was concurred in.

91, A.,

to appropriate to the commissioners appointed pursuant
r 419 of the laws of 1903 a sum of money therein named
leting the system of levees on the Wisconsin river in the
of Columbia and Sauk in the vicinity of Portage,
ad a third time.

estion was, Shall the bill be concurred in?

es and noes were required, and the vote was: Ayes, 19;
bsent or not voting, 11, as follows:

Senators Ackley, Bichler, Bishop, Culbertson, Cunning-
nn, Huber, Hustling, Linley, Martin A. E., Martin H. C.,

Monk, Perry, Scott, Skogmo, Snover, Tomkins, True, and White—19.

Noes—Senators Albers and Teasdale—2.

Absent or not voting—Senators Bosshard, Burke, Hoyt, Kellogg, Kileen, Randolph, Richards, Stevens, Weigle, Weissleder, and Zophy—11.

And so the bill was concurred in.

No. **297, A.,**]

No. **331, A.,**

No. **405, A.,**

No. **425, A.,**

No. **455, A.,**

No. **491, A.,**

No. **584, A.,**

No. **602, A.,**

No. **605, A.,**

No. **659, A.,**

No. **662, A.,**

No. **729, A.,**

No. **742, A.,**

No. **747, A.,**

No. **799, A.,**

No. **800, A.,**

No. **810, A.,**

No. **815, A.,**

No. **852, A.,** and

No. **856, A.,**

Were severally read a third time, and concurred in.

Upon motion of Senator Scott,

All rules interfering, were suspended with unanimous consent,
and

No. **244, S.,**

Was ordered messaged to the assembly at once.

ADJOURNMENT.

Upon motion of Senator Scott,

The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **43, S.,**

No. **56, S.,**

No. **178, S.,**

Correctly enrolled at 9:30 o'clock a. m., and

No. **194, S.,**

Correctly enrolled at 4:30 o'clock p. m.

chief clerk, under rule 32, corrected No. **11, S.**, by striking out the title thereof, the words "and making an appropriation therefor."

chief clerk records:

44, S.,

46, S., and

73, S.,

and engrossed.

chief clerk under rule 32 makes the following correction to the amendment No. 1, S., to No. **346, S.**:

strike out the words "and making an appropriation" where they appear in the title, and insert in lieu thereof the words "and authorize disbursements therefrom."

chief clerk under rule 32 makes the following correction to No. **3, S.**:

insert the word "to" after the word "going" where same occurs in line 5, and strike out the words "to and" where they occur in line 5.

BILLS FOR REVISION.

Mr. Ackley filed one bill for revision at the chief clerk's

WEDNESDAY, APRIL 23, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro-tempore in the chair.

Prayer was offered by the Rev. F. A. Gilmore.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—29.

Absent—Senator Weissleder —1.

Absent with leave—Senators Bosshard and Kellogg—2.

LEAVE OF ABSENCE.

Upon request of Senator A. E. Martin,

Leave of absence was granted to Senator Weissleder for today's session.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Scott, and with unanimous consent,

No. **118, S.**,

No. **121, S.**, and

No. **142, S.**,

Were recalled from the committee on Finance and rereferred to the committee on Education and Public Welfare.

Mr. Carl J. Hambro, of Christiania, Norway, was present and, by unanimous consent, addressed the senate on the subjects of water powers and forestry.

Committee on Legislative Procedure report and recommend
 action bill bearing revision No. 490.

H. C. MARNIN,
 Chairman.

was read by title and the recommendation of the com-
 mittee as the order of the senate.

BILLS INTRODUCED.

st time and referred.

S. (Revision No. 490). By Senator Ackley. To
 special committee on Conservation.

PETITIONS.

572, S. By Senator Weigle. To committee on
 State Affairs.

573, S. By Senator Linley. To committee on State
 Affairs.

574, S. By Senator Bishop. To committee on State
 Affairs.

COMMUNICATION TO THE SENATE.

APRIL 23, 1913.

ERK, Senate,
 Madison, Wis.

: In compliance with the provisions of Joint Resolu-
 tion, S., I am transmitting herewith list of those registered
 as counsel or agents since last report.

Very truly yours,
 J. S. DONALD,
 Secretary of State.

*Residence and Occupation of Counsel; Name and
 of Employer, and Subject of Legislation.*

Seed, Attorney, Oshkosh, Wis., representing Oshkosh
 of Commerce, upon Fish and Game.

Churchill, Pereles Bldg., Milwaukee, representing
 Massow & Gutknecht, Milwaukee, upon No. **442, S.**

A. Gabel, 519 Newton Ave., East Milwaukee, Wis.,
 of Village of East Milwaukee, and School Dist. No. 4,
 Milwaukee, upon Nos. **550, A., 583, A., 584, A.,** and
 and **1107, A.**

Hazzard, 829 Astor St., Milwaukee, representing Wis.
 & Cartage Co., Milwaukee, Wis., upon No. **722, A.**

Kremers, Madison, Wis., representing Wisconsin phar-
 macy, upon No. **247, S.**

G. V. Kradwell, Racine, Wis., representing himself, upon matters affecting Practice of Pharmacy.

Norman J. Kopmeier, 760 Booth St., Milwaukee, representing Wis. Lakes Ice and Cartage Co., as Vice Prest., Milwaukee, upon No. **722, A.**

Peter Sherman, 69 Wisconsin St., Milwaukee, representing himself upon No. **81, A.**

Jno. G. Redford, 576 Oakland Ave., Milwaukee, representing himself upon No. **1075, A.**, and all matters affecting the use of wooden cars in trains using steel cars.

Wm. Steinle, Madison, Wis., representing himself upon No. **247, S.**

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: I am transmitting herewith copy of House Joint Memorial No. 1023 of the legislature of the State of Minnesota.

Very truly yours,
J. S. DONALD,
Secretary of State.

A resolution memorializing congress to provide for government ownership and control of oil producing industries sufficient to control prices and break the gigantic and unjust monopoly now existing.

Referred to committee on Corporations.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **439, S.**,

Passage.

No. **442, S.**,

Adoption of amendment No. 1, S., and passage.

No. **696, A.**,

No. **784, A.**,

No. **1013, A.**, and

No. **1077, A.**,

Concurrence.

No. **722, A.**,

No. **762, A.**, and

No. **842, A.**,

Non-concurrence.

GEORGE B. SKOGMO,
Acting Chairman

The special committee on Insurance report and recommend:

No. **688, A.**,

Concurrence.

G. E. SCOTT,
Chairman.

The committee on Education and Public Welfare report and recommend:

No. **387, A.**,

Concurrence, Senator Teasdale dissenting.

No. **569, A.**,

Concurrence.

No. **216, A.**, and

No. **604, A.**,

Non-concurrence.

No. **231, S.**,

Passage.

No. **699, A.**,

Adoption of amendment No. 1, S., and concurrence.

HOWARD TEASDALE,

Chairman.

The committee on Judiciary report and recommend:

No. **425, S.**,

No. **427, S.**, and

No. **429, S.**,

Passage.

No. **326, A.**,

Concurrence.

No. **437, S.**,

Adoption of amendment No. 1, S., and passage.

No. **428, S.**, and

No. **438, S.**,

Indefinite postponement.

E. F. KILEEN,

Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

Amendment No. 1, S., to Jt. Res. No. 59, A.

Adopted, and asks concurrence in,

Jt. Res. No. 64, A.

Concurred in

Amendment No. 1, S., to No. **7, A.**

Concurred in

Amendment No. 1, S., and amendment No. 2, S., to No. **98,**

A.

Concurred in

Amendment No. 1, S., to No. **721, A.**

Concurred in
Substitute amendment No. 1, S., to No. **185, A.**

Concurred in
Substitute amendment No. 1, S., to No. **274, A.**

Passed, and asks concurrence in,
No. **386, A.**,
No. **574, A.**, and
No. **1044, A.**

Concurred in
No. **126, S.**, and
No. **368, S.**

Amended, and concurred in, as amended,
No. **72, S.**

And has concurred in
Jt. Res. No. 37, S.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 64, A.,
Was concurred in.

Read first time and referred.

No. **386, A.** To committee on Judiciary.

No. **574, A.** To committee on Judiciary.

No. **1044, A.** To committee on Corporations.

No. **31, S.**

Amendment No. 1, A., concurred in.

No. **286, S.**

Substitute amendment No. 1, A., non-concurred in.

No. **97, A.**

The chief clerk, under rule 32, corrects amendment No. 1, A., to amendment No. 1, S., to No. **97, A.**, to read;

Amend amendment No. 1, S., by striking out the words "restore the word tenth" where they appear in line 2, and all of line 3, and insert in lieu thereof the words "insert in lieu thereof the word fifteenth".

No. **97, A.**

The question was, Shall the report of the committee of conference be adopted, and amendment No. 1. A., to amendment No. 1, S., be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 18; absent or not voting, 4, as follows:

Ayes—Senators Cunningham, Linley, Martin H. C., Perry, Randolph, Skogmo, Stevens, Teasdale, White, and Zophy—10.

Senators Ackley, Albers, Bichler, Bishop, Burke, Cul-
leun, Hoyt, Huber, Husting, Kileen, Martin A. E.,
wards, Scott, Snover, Tomkins, and Weigle—18.
not voting—Senators Bosshard, Kellogg, True, and
—4.

The senate refused to adopt the report and amendment.

AND RESOLUTIONS READY FOR ENGROSS- MENT.

amendment No. 1, S., adopted.

as amended,

ordered engrossed and read a third time.

S.

ent No. 1, S., adopted.

S., as amended,

ordered engrossed and read a third time.

S.

S., and

S., read second time and

severally ordered engrossed and read a third time.

S.

ent No. 1, S., adopted.

S., as amended, read second time and

ordered engrossed and read a third time.

S.

tion of Senator Teasdale, and with unanimous consent,

until tomorrow, April 24, 1913.

S.

tion of Senator Teasdale,

until Wednesday, May 7, 1913.

S.

S., and

S., and

S., and

erally indefinitely postponed.

No. 8, S.

tion of Senator Zophy,

until Wednesday, May 7, 1913.

S.

Teasdale offered amendment No. 2, S.

ident called Senator Burke to the chair.

Upon motion of Senator Husting,
No. **332, S.**, and pending amendments,
Were laid over until Wednesday, April 30, 1913.

The president resumed the chair.

RECESS.

Senator Snover moved that the senate take a recess until 7:00 o'clock p. m.

Senator Randolph amended the motion to take a recess until 7:30 o'clock p. m.

The question was, Shall the amendment by Senator Randolph be adopted?

Division was called for and the amendment was adopted.

The motion of Senator Snover, as amended by Senator Randolph prevailed, and the senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **24, S.**,

No. **159, S.**,

No. **237, S.**,

No. **203, S.**,

No. **248, S.**,

No. **187, S.**,

Correctly enrolled at 12:00 o'clock m.

BILLS FOR REVISION.

Senator Stevens filed one bill and the committee on Education and Public Welfare filed one bill for revision at the chief clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Gentlemen: I am returning herewith, without approval, bill **392, S.**, entitled, "An act to create section 292-1 of the statutes."

utes, relating to the purchasing and furnishing of supplies, fixtures and other materials by the superintendent of public property", because its terms are so vague and uncertain that it will necessarily lead to confusion respecting the rights and obligations of the officers and departments affected by it to the detriment of the state.

The superintendent of public property is the head of one of the important departments of the state government. He disburses large sums of money. He is expressly charged by law with the supervision and protection of the capital and the public grounds and of all the movable property of the state not expressly chargeable to some other public officer. He is required to contract for and purchase all fuel, furniture, fixtures, carpets, gas and other articles and things required for public use in and about the capitol. One of the principal articles of public expense is that of stationery and printing for the use of the legislature and the several departments of government. Relative to these items the constitution (Article IV, section 25) requires that the "legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by them to be done for their use, or for the state, shall be let by contract to the lowest bidder." By legislative act the duty of submitting the specifications to prospective bidders for the furnishing of stationery and printing, and the letting of the contracts therefor, is imposed upon the superintendent of public property. Wis. Stats., sec. 289. By this same statute he is limited in his expenditure to a sum not greater than that theretofore appropriated for such purpose. He is also required to furnish to the chief clerks of each legislative body such amount and kind of stationery as may be necessary for the transaction of the business of the legislature. Wis. Stats., sec. 114.

Thus his duties and obligations are made definite and certain by specific legislative enactment. For the faithful discharge of his several duties as superintendent he furnishes to the state a bond in the sum of \$15,000, and upon the proper performance of his functions depends the safeguarding of a large part of the money and property of the state.

The proposed bill, if it becomes a law, would not only require him to comply with the joint resolutions of the legislature and resolutions of either branch thereof, but also with requisitions from the chief clerk and sergeant-at-arms of either body making demands for stationery, supplies and equipment for their departments, and in each instance without any effective limitation whatever and without regard to whether an appropriation of money has been made for such purpose as required by law.

Superintendents of public property may always be depended upon to respond promptly and fully to the reasonable requirements and demands of the legislature and its officers in aiding and expediting the business of the sessions and in promoting the

comfort and convenience of its members and officers. The statutory call upon him should never be so broadly stated as to leave doubt as to the purposes for which and upon whose account he may act in the disbursement of public money, especially in regard to the items of stationery and printing, which constitute so large a part of legislative expense and which can be supplied by him only in conformity with the constitutional and legislative provisions hereinbefore mentioned.

I consider the proposed act as unnecessary and inadvisable legislation, calculated to lead to confusion in the administration of the department of public property, and dangerous to the public treasury, because of the extent to which the head of the department may go under the cloak of legislative consent, in furnishing supplies at public expense.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor.

April 23, 1913.

Laid over under the rules.

BILLS AND RESOLUTIONS TO BE ORDERED TO A
THIRD READING.

No. **84, A.**

Amendment No. 1, S., adopted.

No. **84, A.**, as amended,

Was ordered to a third reading.

Read second time.

No. **142, A.**,

Was ordered to a third reading.

No. **144, A.**

Senator Kileen offered amendment No. 1, S.,

Which amendment was adopted.

No. **144, A.**, as amended

Was ordered to a third reading.

No. **149, A.**,

Was ordered to a third reading.

No. **162, A.**

Amendment No. 1, S., adopted.

No. **162, A.**, as amended

Was ordered to a third reading.

No. **172, A.**

Amendment No. 1, S., adopted.

No. **172, A.**, as amended,

Was ordered to a third reading.

No. **187, A.**

Senator Zophy moved that the bill be laid over till Tuesday
April 29, 1913.

was called for, and the motion lost.

motion of Senator Skogmo,

1, A.,

non-concurred in.

5, A.

motion of Senator True,

held over till Friday, April 25, 1913.

3, A.

amendment No. 1, S., adopted.

3, A., as amended,

referred to a third reading.

0, A.,

1, A.,

3, A.,

3, A.,

3, A.,

7, A.,

08, A., and

01, A.,

each severally ordered to a third reading.

33, A.

motion of Senator Randolph,

held over until Wednesday, April 30, 1913.

2, A.,

2, A.

3, A., and

0, A.,

severally non-concurred in.

1, A.

Linley offered amendment No. 1, S.,

amendment was adopted.

4, A.,

to create section 4220a of the statutes, relating to the

the commencement of actions for the recovery of real

property damages thereto.

question was, Shall the bill be non-concurred in?

yeas and nays were demanded, and the vote was: Ayes,

absent or not voting, 13, as follows:

Senators Albers, Burke, Kileen, Martin A. E., Martin

ry, and Skogmo—7.

Senators Ackley, Cunningham, Husting, Linley, Monk,

Stevens, Teasdale, True, Weigle, White, and Zophy—

or not voting—Senators Bichler, Bishop, Bosshard,

, Glenn, Hoyt, Huber, Kellogg, Randolph, Scott,

Tomkins, and Weissleder—13.

And so the senate refused to non-concur in the bill, thereby ordering it to a third reading.

No. 344, A.,

A bill to amend section 1557n, of the statutes, relating to sale of intoxicating liquors to forbidden persons.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 13; absent or not voting, 13, as follows:

Ayes—Senators Bishop, Cunningham, Martin A. E., Richards, Stevens, and White—6.

Noes—Senators Burke, Hoyt, Husting, Kileen, Linley, Martin H. C., Monk, Perry, Skogmo, Teasdale, Tomkins, True, Zephy—13.

Absent or not voting—Senators Ackley, Albers, Bichler, Bingham, Hard, Culbertson, Glenn, Huber, Kellogg, Randolph, Scott, Ver, Weigle, and Weissleder—13.

And so the senate refused to non-concur in the bill, and thereby ordering it to a third reading.

BILLS AND RESOLUTIONS READY FOR A THIRD READING.

No. 6, A.,

No. 13, A.,

No. 23, A.,

No. 32, A.,

No. 130, A.,

No. 214, A.,

No. 221, A.,

No. 313, A.,

No. 369, A.,

No. 414, A.,

No. 438, A.,

No. 551, A.,

No. 816, A.,

No. 835, A.,

No. 841, A.,

No. 985 A.,

No. 994, A., and

No. 1042, A.,

Were each severally read a third time and concurred in.

No. 370, A.,

Was non-concurred in.

MOTIONS.

Senator Husting moved that the vote by which No. **369, A.**, was concurred in, be reconsidered, and that the motion be laid over till tomorrow,

Which motion prevailed.

Senator A. E. Martin moved that the vote by which No. **187, A.**, was nonconcurring in, be reconsidered, and that the motion be laid over till tomorrow,

Which motion prevailed.

Upon motion of Senator Tomkins,

All rules interfering, were suspended with unanimous consent, and

No. **768, A.**,

Was placed upon its concurrence at this time.

No. **768, A.**

Amendment No. 1, S., adopted.

No. **768, A.**, as amended,

Was read a third time and concurred in.

Upon motion of Senator Tomkins,

All rules interfering, were suspended with unanimous consent, and

No. **768, A.**,

Was ordered messaged to the assembly at once.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 491 and 492.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

No. **467, S.** (Revision No. 491). By Senator Stevens. To committee on State Affairs.

No. **468, S.** (Revision No. 492). By committee on Education and Public Welfare. To committee on Education and Public Welfare.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **440, S.**, and

No. **441, S.**,

Passage.

No. **292, A.**,

Non-concurrence, Senators Weigle and A. E. Martin dissenting.

No. **768, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **855, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1013, A.**,

Concurrence.

No. **1067, A.**,

Adoption of amendment No. 1, S., and concurrence.

GEORGE B. SKOGMO,

Acting Chairman

The committee on Education and Public Welfare report and recommend:

No. **364, S.**,

Adoption of amendment No. 1, S., and passage.

No. **831, A.**,

Concurrence, Senator Teasdale dissenting.

No. **960, A.**,

Concurrence.

No. **973, A.**,

Adoption of amendment No. 1, S., and concurrence.

HOWARD TEASDALE,

Chairman

ADJOURNMENT.

Upon motion of Senator A. E. Martin,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **3, S.**,

No. **120, S.**, and

No. **423, S.**,

Correctly engrossed.

The chief clerk, under rule 32, makes the following corrections to the printed copy of substitute amendment No. 1, S., to No. **3, S.**:

Add the letter "s" to the word "section" where it occurs first time in the second line of the title.

Strike out the word "section" where it occurs the second time in the second line, and also in the third line of the title.

The chief clerk under rule 32 makes the following correction to bill No. **423, S.**:

Strike out the word "to" where it occurs the first time in the second line of the title and insert the word "and".

BILLS FOR REVISION.

The committee on State Affairs filed one bill and the committee on Corporations filed one bill for revision at the chief clerk's desk.

38—S. J.

THURSDAY, APRIL 24, 1913.

10:00 O'CLOCK A.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. F. A. Gilmore.

The roll was called and the following senators answered to the names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kil Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomlinson, True, Weigle, White, and Zophy—30.

Absent—Senator Weissleder—1.

Absent with leave—Senator Kellogg—1.

LEAVE OF ABSENCE.

Upon request of Senator A. E. Martin,

Leave of absence was granted to Senator Weissleder until April 26, 1913.

The journal of yesterday was approved.

MOTIONS.

Senator Linley moved that the vote by which substitute amendment No. 1, A., to No. **286, S.**, was non-concurred in, be reconsidered.

Senator Linley, with unanimous consent, withdrew his motion.

Senator Bosshard moved that the senate ask for a committee conference on substitute amendment No. 1, A., to No. **286, S.**

Which motion prevailed.

COMMUNICATION TO THE SENATE.

APRIL 24, 1913.

BERK, *Senate*,
Madison, Wisconsin.

:: In compliance with the provisions of Joint Resolution
I am transmitting herewith list of those registered as
counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

*Residence and Occupation of Counsel; Name and Ad-
employer and Subject of Legislation.*

P. Clute, Milwaukee, Wis., representing Wisconsin
rinary Society, upon all matters pertaining to live stock
nary.

elton, Madison, Wis., representing himself, upon No.

Hartwig, Watertown, Wis., representing Wisconsin
rinary Society, upon all live stock, sanitary and veteri-
ers.

scobs, Stevens Point, Wis., representing Wis. Retail
Ass'n, upon No. **1039, A.**, No. **1086, A.**

asher, Waterloo, Wis., representing himself, upon all
and veterinary matters.

orris, Madison, Wis., representing himself, upon No.

C. Amann, cashier. Prairie du Chien, Wis., represent-
ord County Bank, upon No. **441, S.**

A. Rost, 222—28th St., Milwaukee, representing Wm.
h Hardware Co., upon No. **1039, A.**

Salisbury, Boston, Mass., representing Iver Johnson
le Works, Fitchburg, Mass., upon No. **1039, A.**

M. Field, 710 Merchants' and Manufacturers' Building,
e, representing Western Film Exchange, Enterprise
wauke, upon Nos. **1029, A.**, **1117, A.**, **386, S.**
, and all bills relating to moving pictures.

Shea, Lawyer, Ashland, Wis., representing 62 Electors
yn of Cable, Bayfield County, upon No. **1093, A.**

Wild, Lawyer, Camp Bldg., Milwaukee, representing
& Niedermeyer Co., Milwaukee, upon No. **791; A.**

SPECIAL ORDER FOR 10:30 O'CLOCK A. M.

ef clerk under rule 32 corrects amendment No. 1, S., to
9, S., by adding the following:

section 1 by inserting between the figure "1" and the
"here" where they occur in line 1 the following:
added to the statutes a new section to read:"

Further amend by striking out the word "section" where it occurs in line 1 of section 2, and in line 1 of section 3.

Further amend by renumbering section 4 as section 2.

No. **69, S.**

Amendment No. 1, S., adopted.

No. **69, S.**, as amended,

Was ordered engrossed and read a third time.

No. **69, S.**,

A bill to appropriate a certain sum of money to the normal school fund income to build a normal school at Eau Claire.

Senator Ackley requested, that all rules interfering be suspended with unanimous consent, and No. **69, S.**, be placed upon its final passage at this time.

Senator Randolph objected.

Senator Ackley then moved that all rules interfering be suspended, and that No. **69, S.**, be placed upon its final passage at this time.

The ayes and noes were required, and the vote was: Ayes, 15; noes, 15; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Cunningham, Gilman, Kileen, Linley, Martin A. E., Perry, Richards, Scott, Snover, Stevens, Weigle, and White—15.

Noes—Senators Albers, Bosshard, Burke, Culbertson, Huber, Husting, Martin H. C., Monk, Randolph, Skogmo, Teasdale, Tomkins, True, and Zophy—15.

Absent or not voting—Senators Kellogg and Weissleder—2.

And so the senate refused to suspend the rules.

Senator Skogmo moved that all rules interfering be suspended and the bill ordered placed on the calendar for third reading Thursday, May 8, 1913.

The ayes and noes were required, and the vote was: Ayes, 15; noes, 15; absent or not voting, 2, as follows;

Ayes—Senators Bichler, Bosshard, Burke, Culbertson, Huber, Husting, Kileen, Martin H. C., Monk, Randolph, Skogmo, Teasdale, Tomkins, and True—15.

Noes—Senators Ackley, Albers, Bishop, Cunningham, Gilman, Linley, Martin A. E., Perry, Richards, Scott, Snover, Stevens, Weigle, White, and Zophy—15.

Absent or not voting—Senators Kellogg and Weissleder—2.

And so the senate refused to suspend the rules.

Upon motion of Senator Scott, and with unanimous consent No. **69, S.**,

Was ordered placed upon the calendar for Wednesday, May 30, 1913.

D RESOLUTIONS READY FOR ENGROSSMENT.

(Laid over from yesterday.)

S.,

amend subsection 2 of section 1548 of the statutes, the sale of intoxicating liquors.

Bosshard, with unanimous consent, offered amendment

tion was, Shall amendment No. 2, S., be adopted?

and noes were demanded, and the vote was: Ayes, 9; paired for bill, 4; absent or not voting, 1, as follows:

Senators Bosshard, Huber, Kileen, Linley, Martin H. Skogmo, Teasdale and True—9.

Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Husting, Martin A. E., Perry, Randolph, Stevens, Tomkins, Weigle, White and Zophy—18.

For the bill, Senator Hoyt, against the bill, Senator Monk, against the bill, Senator —4.

or not voting—Senator Snover—1.

the senate refused to adopt the amendment.

Teasdale, with unanimous consent, offered amendment

tion was, Shall amendment No. 3, S., be adopted?

and noes were demanded, and the vote was: Ayes, 7; paired on bill, 4; absent or not voting, 3, as follows:

Senators Bosshard, Linley, Martin H. C., Scott, Skogmo, and True—7.

Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Hoyt, Husting, Martin A. E., Perry, Randolphs, Stevens, Tomkins, Weigle, White, and Zophy

Senator Glenn for the bill, Senator Kellogg against Senator Monk for the bill, Senator Weissleder against

or not voting—Senators Huber, Kileen, and Snover—3.

the senate refused to adopt the amendment.

tion then was, Shall the bill be indefinitely postponed?

and noes were demanded, and the vote was: Ayes, 19; paired on bill, 4; absent or not voting, 1, as follows:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Bertson, Cunningham, Hoyt, Husting, Martin A. E., ndolph, Richards, Stevens, Tomkins, Weigle, White, —19.

Senators Huber, Kileen, Linley, Martin H. C., Scott, Teasdale, and True—8.

For the bill, Senator Glenn, against the bill, Senator or the bill, Senator Monk, against the bill, Senator

—4.

Absent or not voting—Senator Snover—1.

And so the bill was indefinitely postponed.

Senator A. E. Martin moved that the vote by which No. 48, S. was indefinitely postponed, be reconsidered.

Senator True moved that the senate take a recess until 7:30 o'clock p. m.

The ayes and noes were demanded, and the vote was: Ayes, 1; noes, 17; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Husting, Kileen, Linley, Martin H. C., Monk, Randolph, Skogmo, Teasdale, and True—12.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Martin A. E., Perry, Richards, Scott, Stevens, Tomkins, Weigle, White, and Zophy—17.

Absent or not voting—Senators Kellogg, Snover, and Weissleder—3.

And so the senate refused to take a recess.

Senator Randolph moved that the senate do now adjourn.

The ayes and noes were demanded, and the vote was: Ayes, 23; absent or not voting, 2, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Kileen, Randolph, Skogmo, and Teasdale—7.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Husting, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Snover, Stevens, Tomkins, True, Weigle, White, and Zophy—23.

Absent or not voting—Senators Kellogg and Weissleder—2.

And so the senate refused to adjourn.

Senator Burke moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 2; noes, 5; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Cunningham, Hoyt, Huber, Husting, Linley, Martin A. E., Martin H. C., Perry, Richards, Scott, Snover, Stevens, Tomkins, True, Weigle, White, and Zophy—23.

Noes—Senators Culbertson, Kileen, Randolph, Skogmo, and Teasdale—5.

Absent or not voting—Senators Glenn, Kellogg, Monk, and Weissleder—4.

And so the main question was ordered put.

The question was, Shall the vote by which No. 48, S., was indefinitely postponed, be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 19; paired, 4; absent or not voting, none, as follows:

Ayes—Senators Bosshard, Huber, Kileen, Linley, Randolph, Scott, Skogmo, Teasdale, and True—9.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Hoyt, Husting, Martin A. E., Martin H. C., Perry, Richards, Snover, Stevens, Tomkins, Weigle, White, and Zophy—19.

Paired—Senator Glenn for the bill, Senator Kellogg against the bill; Senator Monk for the bill, Senator Weissleder against the bill—4.

And so the senate refused to reconsider the vote.

Upon motion of Senator Weigle,
No. **198, S.**,

Was ordered placed upon the calendar of Wednesday, April 30, 1913.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Culbertson and Stevens till Wednesday, April 30, to Senators Cunningham and White till Monday, April 28, and to Senator A. E. Martin till Tuesday, April 29, 1913.

RECESS.

Senator Randolph moved that the senate take a recess until 7:30 o'clock p. m.

Senator Ackley moved to adjourn.

The ayes and noes were demanded, and the vote was: Ayes, 3; noes, 22; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Cunningham, and Glenn—3.

Noes—Senators Bishop, Bosshard, Burke, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, White, and Zophy—22.

Absent or not voting—Senators Albers, Bichler, Culbertson, Kellogg, Snover, Stevens, and Weissleder—7.

And so the senate refused to adjourn.

Senator Randolph withdrew his motion with unanimous consent.

Senator Burke then moved that the senate take a recess until 7:30 o'clock p. m.,

Which motion prevailed.

The chief clerk, under Rule 32 corrected No. **75, S.**, as engrossed by underscoring the words "district superintendent" where they appear as stricken out in line forty of said engrossed bill.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

The president appointed as committee of conference on the part of the senate on No. **286, S.**, Senators Bosshard, Tomkins and Kileen.

Upon request of Senator Ackley, and with unanimous consent, rule 11 was suspended for this session.

RESOLUTION INTRODUCED.

Jt. Res. No. 42, S.,

Recalling bill No. **153, S.**, from the governor for correction.

Resolved by the senate, the assembly concurring, That bill No. **153, S.**, be recalled from the governor for the purpose of correction.

By Senator Monk.

Adopted.

The committee on Legislative Procedure report and recommend for introduction, bills bearing the following revision numbers:

Nos. 493 and 494.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred

No. **469, S.** (Revision No. 494). By Committee on Corporations. To committee on Corporations.

No. **470, S.** (Revision No. 493). By Committee on State Affairs. To committee on State Affairs.

PETITIONS.

Pet. No. 575, S. By Senator Huber. To committee on Corporations.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **201, S.**,

Adoption of substitute amendment No. 1, S., and passage,
Senator Teasdale dissenting.

No. **432, S.**,

Indefinite postponement, Senators Hoyt and Monk dissenting.

No. **436, S.**,

Passage.

No. **497, A.**,

Concurrence.

No. **804, A.**,

Non-concurrence.

HOWARD TEASDALE,
Chairman.

The committee on Judiciary report and recommend:

No. **460, A.**, and

No. **726, A.**,

Concurrence.

No. **27, A.**,

No. **348, A.**, and

Jt. Res. No. 40, A.,

Non-concurrence.

No. **399, S.**, and

No. **411, S.**,

Indefinite postponement.

E. F. KILEEN,
Chairman.

The special committee on Highways report and recommend:

No. **350, S.**,

Indefinite postponement.

TIMOTHY BURKE,
Chairman.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **170, S.**

Upon motion of Senator Glenn,
Laid over until Monday, April 28, 1913.

No. **390, S.**

Upon motion of Senator Huber,
Laid over until Monday, April 28, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 23, A.,

Jt. Res. No. 52, A.,

Jt. Res. No. 63, A.

Has passed, and asks concurrence in,

No. **70, A.**,

No. **439, A.**,

No. **496, A.**,

No. **910, A.**

And has concurred in

No. **402, S.**,

No. **410, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 23, A. Referred to the committee on Judiciary.

Read first time and referred.

Jt. Res. No. 52, A. To committee on State Affairs.

Jt. Res. No. 63, A. To committee on State Affairs.

No. **70, A.** To committee on Judiciary.

No. **439, A.** To calendar.

No. **496, A.** To calendar.

No. **910, A.** To committee on Education and Public Welfare.

Jt. Res. No. 23, A.,

To amend the rules of the legislature by providing that resolutions to amend the constitution and all bills be accompanied by a statement explaining the purpose thereof and the benefits to be derived by the adoption or enactment of the same.

Resolved by the assembly, the senate concurring, That there is added to the rules of the legislature a new section to read: 43m. All resolutions proposing amendments to the constitution, and all bills to amend, create or repeal any statute or law shall have attached thereto a concise written statement, which shall not exceed two hundred words, explaining the purpose of and the benefits to be derived from the adoption or enactment thereof. Upon the reference of such resolution or bill to a committee such statement shall be filed with such committee and shall be kept as a part of the record of such resolution or bill.

Referred to committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **344, S.**, and

No. **373, S.**,

Were each severally read a third time, and passed.

No. **346, S.**, and

No. **398, S.**,

Laid over under the rules to Tuesday, April 29, 1913.

No. **157, A.**,

No. **325, A.**,

No. **410, A.**,

No. **419, A.**,

No. **646, A.**, and

No. **745, A.**,

Were each severally read a third time, and concurred in.

No. **282, S.**

Upon motion of Senator Burke,

Laid over until Tuesday, April 29, 1913.

No. **187, A.**

Upon motion of Senator Glenn,

Was laid over till Wednesday, April 30, 1913.

No. **369, A.**

Senator Husting, with unanimous consent, withdrew his motion to reconsider the vote by which the bill was concurred in.

MOTIONS.

No. **764, A.**

Upon motion of Senator Linley, and with unanimous consent,

Was taken from the calendar of Friday, April 25, 1913, and laid over till Wednesday, April 30, 1913.

Senator Linley moved that the vote by which No. **122, A.**, was non-concurred in, be reconsidered,

Which motion was lost.

ADJOURNMENT.

Upon motion of Senator Tomkins,

The senate adjourned.

CLERK'S REPORT.

he chief clerk records:

No. **271, S.**

No. **272, S.**,

No. **290, S.**, and

No. **334, S.**,

Correctly enrolled at 7:30 o'clock p. m., and

No. **69, S.**,

Correctly engrossed.

BILLS FOR REVISION.

The committee on Judiciary filed seven bills, the committee on Finance filed two bills, and Senator Linley filed one joint resolution for revision at the chief clerk's desk.

FRIDAY, APRIL 25, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. F. A. Gilmore.

Upon motion of Senator Burke,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

LEAVE OF ABSENCE.

Upon request of Senator Zophy,

Leave of absence was granted to Senators Weissleder and Richards for this session.

Upon request of Senator Bishop,

Leave of absence was granted to Senator Scott for this session

RESOLUTIONS INTRODUCED.

Read first time and referred.

Jt. Res. No. 43, S. By Senator Linley. To committee on Judiciary.

PETITIONS.

Pet. No. 576, S. By Senator Glenn. To committee on State Affairs.

Pet. No. 577, S. By Senator Glenn. To committee on Corporations.

COMMITTEE REPORTS.

The committee on State Affairs report and recommend:

No. **447, S.**,

Passage.

No. **359, A.**,
Non-concurrence.
No. **81, A.**,
No. **553, A.**,
No. **744, A.**,
No. **780, A.**,
No. **913, A.**, and
No. **946, A.**,
Concurrence.
No. **1018, A.**,
Non-concurrence.
No. **453, S.**,
Adoption of amendment No. 1, S., and passage.
No. **554, A.**,
Concurrence, Senator Bishop dissenting. c
No. **795, A.**,
Non-concurrence, Senator Cunningham dissenting.
No. **922, A.**,
No. **923, A.**, and
No. **1082, A.**,
Concurrence.
No. **1039, A.**,
Non-concurrence, Senator Cunningham dissenting.

M. F. WHITE,
Chairman.

The committee on Education and Public Welfare report and recommend:

No. **697, A.**,
Adoption of amendment No. 1, S., and concurrence.

HOWARD TEASDALE,
Chairman.

The committee on Judiciary report and recommend:

No. **362, A.**,
No. **368, A.**,
No. **637, A.**, and
No. **1023, A.**,
Concurrence.
No. **981, A.**,
Adoption of amendment No. 1, S., and concurrence.
No. **862, A.**,
Non-concurrence, Senator Linley dissenting.
No. **932, A.**, and
No. **57, A.**,
Non-concurrence.

A. PEARCE TOMKINS,
Acting Chairman.

EXECUTIVE COMMUNICATIONS.

STATE OF WISCONSIN,
Executive Office.

To the Honorable, the Legislature:

Gentlemen: I have the honor herewith to transmit to you for your consideration the report of the legislative visiting committee appointed pursuant to section 562b, Wisconsin Statutes, for the year 1913.

Your committee seems to have conducted the investigation with exceptional thoroughness and care, and the well written, well digested report of what they found is commendably clear and enlightening.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor.

April 24th, 1913.

Upon motion of Senator Huber,
The reading of the report was dispensed with an ordered printed as an Appendix to the journal.

To the Honorable, the Legislature.

Gentlemen: I have the honor to transmit herewith copy of the report of a committee of three to investigate the levee system in the vicinity of Portage and to recommend plans for the permanent protection of said city and vicinity, which investigation was made pursuant to chapter 8 of the Laws of the Special Session of the Legislature, in 1912.

In view of the limited opportunity this committee has had to study the matter submitted to them, it seems to me a law should be passed authorizing its continuance with directions to report its findings and conclusions prior to the session of the legislature of 1915.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor.

April 24, 1913.

MADISON, Wisconsin, April 10, 1913.
Honorable FRANCIS E. McGOVERN, *Governor*,
Madison, Wisconsin.

Sir: The committee appointed by you on or about January 13, 1913, under an act of the legislature passed at the special session of 1912, and authorizing the appointment of a "committee of three members to investigate the levee system in the vicinity of Portage and to recommend plans for the permanent protection of said city and vicinity," would respectfully report, that on account of the season, and weather conditions which have prevailed since its appointment, the committee has not been able to make an ex-

amination of the district protected by the levee along the Wisconsin river in the vicinity of Portage or to cause any surveys to be made of such area; that said work can be performed in a satisfactory manner only during the summer season after the subsidence of the spring floods and will probably occupy several months before any satisfactory conclusions can be reached.

In view of the above conditions the committee calls your attention to the following facts:

1. That the committee will not be able to report a plan for making and financing a permanent levee system to protect the city of Portage and the Fox river valley, in time for action by the present legislature.

2. That no legislation providing for the assessing of property benefited by such system will be possible at this term of the legislature, and that such legislation will have to be deferred to the next session of the legislature.

3. That the present levee system is in dangerous condition and should be immediately repaired to protect the city of Portage and the Fox river valley from possible great loss of property and possible loss of life which might be occasioned by high flood conditions.

4. That the amount of money appropriated by the legislature at the special session of 1912, and expended by the Portage Levee Commission, was not sufficient to place these levees in reasonably safe condition.

On account of the conditions outlined above, this committee would recommend the appropriation of a sufficient sum by the legislature to complete the temporary repairs of the levees as now undertaken by the Portage Levee Commission, in order that a reasonable degree of protection shall be furnished to the property endangered, until a feasible plan may be prepared by your committee and authorized by the legislature for financing and completing a more reliable, safe and permanent levee system.

It should be noted that the work already done by the Portage Levee Commission, and that proposed under the appropriation above recommended, is to be done in such manner as to harmonize with any plans for permanent betterment which may be proposed by this committee.

Very respectfully submitted,

DANIEL W. MEAD,

W. O. HOTCHKISS,

H. E. ANDREWS,

Committee.

Referred to committee on State Affairs.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **392, S.**,

Upon motion of Senator Ackley,

Laid over until Tuesday, April 29, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 65, A.

And has concurred in

Jt. Res. No. 42, S.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 65, A.,

Concurred in.

No. 72, S.

Amendment No. 1, A., concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read second time.

No. 364, S.

Amendment No. 1, S., adopted.

No. 364, S., as amended,

Was ordered engrossed and read a third time.

No. 425, S.

Upon motion of Senator Tomkins,

Laid over till Thursday, May 1, 1913.

No. 437, S.

Amendment No. 1, S., adopted.

No. 437, S., as amended,

Was ordered engrossed and read a third time.

No. 442, S.

Amendment No. 1, S., was adopted.

No. 442, S., as amended,

Was ordered engrossed and read a third time.

No. 231, S.,

No. 427, S.,

No. 429, S.,

No. 439, S.,

No. 440, S., and

No. 441, S.,

Were each severally ordered engrossed and read a third time.

No. 428, S., and

No. 438, S.,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

Read second time.

No. **235, A.**,

No. **326, A.**,

No. **387, A.**,

No. **569, A.**,

No. **688, A.**,

No. **696, A.**,

No. **831, A.**,

No. **960, A.**,

No. **1013, A.**, and

No. **1077, A.**,

Were each severally ordered to a third reading.

No. **699, A.**

Amendment No. 1, S., adopted.

No. **699, A.**, as amended,

Was ordered to a third reading.

No. **784, A.**

Senator Zophy offered amendment No. 1, S.,

Which amendment was adopted.

No. **784, A.**, as amended,

Was ordered to a third reading.

No. **842, A.**

Upon motion of Senator Bichler,

Laid over till Friday, May 2, 1913.

No. **855, A.**

Amendment No. 1, S., adopted.

No. **855, A.**, as amended,

Was ordered to a third reading.

No. **973, A.**

Amendment No. 1, S., adopted.

No. **973, A.**, as amended,

Was ordered to a third reading.

No. **1067, A.**

Amendment No. 1, S., adopted.

No. **1067, A.**, as amended,

Was ordered to a third reading.

No. **216, A.**,

No. **604, A.**, and

No. **762, A.**,

Were severally non-concurred in.

No. **292, A.**

Upon motion of Senator Zophy,

Laid over till Wednesday, April 30, 1913.

No. **722, A.,**

Upon motion of Senator Zophy,

Laid over until Tuesday, April 29, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **3, S.,**

No. **120, S.,**

No. **141, S.,**

No. **142, A.,**

No. **423, S.,**

No. **443, S.,**

No. **596, A.,** and

No. **636, A.,**

Upon motion of Senator Ackley,

Laid over until Tuesday, April 29, 1913.

No. **303, S.,**

Was read a third time, and passed.

No. **84, A.,**

No. **149, A.,**

No. **162, A.,**

No. **172, A.,**

No. **253, A.,**

No. **270, A.,**

No. **544, A.,**

No. **746, A.,**

No. **807, A.,**

No. **844, A.,**

No. **1008, A.,** and

No. **1091, A.,**

Were each severally read a third time, and concurred in.

Upon motion of Senator Tomkins, and with unanimous consent,

All rules interfering, were suspended, and

The committee on Judiciary was permitted to file their report
some time during the day at the chief clerk's desk.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Perry until Tuesday,
April 29, 1913.

ADJOURNMENT.

Upon motion of Senator Ackley,
The senate adjourned until Monday, April 28, 1913, at 9:00
o'clock p. m.

BILLS FOR REVISION.

Senator Teasdale filed one bill for revision at the chief clerk's
desk.

CLERK'S REPORT.

The chief clerk records:

No. **11, S.**

No. **296, S.,**

No. **212, S.,**

No. **75, S.**

No. **133, S.,**

No. **177, S.,** and

No. **126, S.**

Correctly enrolled at 4:45 o'clock p. m., and

No. **364, S.,**

No. **437, S.,** and

No. **442, S.,**

Correctly engrossed, and

No. **291, S.,**

Correctly enrolled, April 26, 1913, at 1:45 o'clock p. m.

MONDAY, APRIL 28, 1913.
9 O'CLOCK P. M.

The senate met.

The president pro-tempore in the chair.

Prayer was offered by the Rev. James Churm, of the Algoma Street M. E. church of Oshkosh, Wis.

Upon motion of Senator Ackley,

The calling of the roll was dispensed with.

The journal of Friday, April 25, 1913, was approved.

MOTIONS.

Upon motion of Senator Bosshard,

The vote by which No. **762, A.**, was non-concurred in, was reconsidered and re-referred to the committee on Corporations.

PETITIONS.

Pet. No. 578, S. By Senator True. To committee on State Affairs.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Chamber.

To the Honorable, the Senate:

Pursuant to the provisions of joint resolution No. 42, S., I return herewith bill No. **153, S.**, for the purpose of correction.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

April 26th, 1913.

To the Honorable, the Senate.

Gentlemen: I return herewith, without approval, bill No. **164, S.**, entitled, "An act to amend section 1454a of the statutes, relating to the condemnation of land for the enlargement of cemeteries."

The change here sought to be made in the language of section 1454a is to extend to every incorporated cemetery association, even though private, the right of condemning land for cemetery purposes.

This cannot lawfully be done. Private property cannot be taken by condemnation except for a public purpose.

State vs. Bancroft. 148 Wis. 124.

That this would be the unavoidable effect, though probably not the intention of the bill herewith returned, is manifest.

Sections 1442 and 1443, Wis. Stats.

Matter of Deansville Cemetery Association. 66 N. Y. 569.

In re Land Cemetery Association. 86 N. Y. Sup. 960.

Board of Health vs. Van Hoesen. 87 Mich. 533.

The Evergreen Cemetery Association vs. Beecher. 53 Conn. 551.

10 Am. and Eng. Enc. of Law. Page 1085.

Lewis on Eminent Domain. Vol. 1, Sec. 273.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

April 28, 1913.

EXECUTIVE COMMUNICATIONS CONSIDERED.

No. **153, S.**

Upon motion of Senator Monk, and with unanimous consent, The vote by which No. **153, S.**, was passed, was reconsidered. Senator Monk, with unanimous consent, offered substitute amendment No. 2, S.

Laid over under the rules.

No. **170, S.**

Upon motion of Senator Glenn,

Laid over until Wednesday, April 30, 1913.

No. **390, S.**

Upon motion of Senator Huber,

Laid over until Thursday, May 1, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in.

Jt. Res. No. 67, A.,

Jt. Res. No. 68, A.,

Has passed, and asks concurrence in,

No. **45, A.**,

No. **208, A.**,

No. **268, A.**,

No. **418, A.**,

No. **570, A.**,

No. **638, A.**,

No. **654, A.**,

No. **783, A.**,

No. **791, A.**,

No. **1097, A.**

Has concurred in

No. **342, S.**,

Has refused to order to a third reading

No. **217, S.**

Has concurred in

Amendment No. 1, S., to No. **101, A.**,

Amendment No. 1, S., to No. **969, A.**

Has adopted, and asks concurrence in,

Jt. Res. No. 5, A.

Has passed, and asks concurrence in,

No. **240, A.**,

No. **272, A.**,

No. **291, A.**,

No. **428, A.**,

No. **465, A.**,

No. **536, A.**,

No. **660, A.**,

No. **665, A.**,

No. **672, A.**,

No. **741, A.**,

No. **749, A.**,

No. **788, A.**,

No. **811, A.**,

No. **813, A.**,

No. **817, A.**,

No. **1094, A.**

Has concurred in

No. **68, S.**,

No. **405, S.**,

No. **435, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 67, A., concurred in.

Jt. Res. No. 68, A., concurred in.

Read first time and referred.

- No. **45, A.** To committee on State Affairs.
No. **208, A.** To committee on Corporations.
No. **268, A.** To committee on Education and Public Welfare.
No. **418, A.** To committee on Corporations.
No. **570, A.** To committee on Education and Public Welfare.
No. **638, A.** To committee on State Affairs.
No. **654, A.** To committee on Corporations.
No. **783, A.** To committee on Corporations.
No. **791, A.** To committee on Corporations.
No. **1097, A.** To committee on Corporations.
Jt. Res. No. 5, **A.** To committee on Judiciary.
No. **240, A.** To committee on Education and Public Welfare.
No. **272, A.** To committee on Judiciary.
No. **291, A.** To committee on Corporations.
No. **428, A.** To committee on Corporations.
No. **465, A.** To committee on State Affairs.
No. **536, A.** To committee on Corporations.
No. **660, A.** To committee on Corporations.
No. **665, A.** To committee on Corporations.
No. **672, A.** To committee on Corporations.
No. **741, A.** To committee on Education and Public Welfare.
No. **749, A.** To committee on Education and Public Welfare.
No. **788, A.** To committee on Corporations.
No. **811, A.** To committee on Corporations.
No. **813, A.** To committee on Corporations.
No. **817, A.** To committee on Education and Public Welfare.
No. **1094, A.** To committee on Corporations.
-

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read a second time.

No. **436, S.,**

Ordered engrossed and read a third time.

No. **350, S.,**

No. **399, S.,** and

No. **411, S.,**

Were each severally indefinitely postponed.

No. **432, S.**

Upon motion of Senator Monk,

Laid over untill Wednesday, April 30, 1913.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

Read a second time.

No. **439, A.,**

No. **460, A.,**

No. **496, A.,**

No. **497, A.,** and

No. **726, A.,**

Were each severally ordered to a third reading.

No. **27, A.,**

Upon motion of Senator Cunningham,

Laid over till Thursday, May 8, 1913.

No. **348, A.,**

No. **804, A.,** and

Jt. Res. No. 40, A.,

Were severally non-concurred in.

ADJOURNMENT.

Upon motion of Senator Husting,

The senate adjourned.

BILLS FOR REVISION.

The committee on Corporations filed two bills for revision at the chief clerk's desk.

TUESDAY, APRIL 29, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. James Churm.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—27.—

Absent—Senators Burke, Hoyt, Perry, and Richards—4.

Absent with leave—Senator Culbertson—1.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,

Leave of absence was granted to Senator Richards for this session.

The journal of yesterday was approved.

PETITIONS.

Pet. No. 579, S. By Senator Kellogg. To committee on Education and Public Welfare.

Pet. No. 580, S. By Senator Bichler. To committee on State Affairs.

Pet. No. 581, S. By Senator Bichler. To committee on State Affairs.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. **103, S.**,

Amendment No. 1, S., to substitute amendment No. 2, S., and passage.

No. **247, S.**,

Amendment No. 1, S., and passage.

No. **280, S.**,

Indefinite postponement, Senator Bichler dissenting.

No. **550, A.**,

Concurrence.

No. **253, S.**,

Indefinite postponement.

G. E. SCOTT,

Chairman of Senate Committee.

R. J. NYE,

Chairman of Assembly Committee.

EXECUTIVE COMMUNICATIONS CONSIDERED.

Upon motion of Senator Randolph,

The nomination of Clemens P. Host, for state fire marshal, for the term ending January 15, 1919, was laid over until May 13, 1913.

No. **392, S.**

Upon motion of Senator Ackley,

Laid over until Tuesday, May 6, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **177, A.**,

No. **178, A.**,

No. **464, A.**,

No. **883, A.**,

No. **889, A.**,

No. **919, A.**,

No. **920, A.**,

No. **1046, A.**, and

No. **1060, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **177, A.** To committee on Education and Public Welfare.

No. **178, A.** To committee on Corporations.

- No. **464, A.** To committee on Education and Public Welfare.
No. **883, A.** To committee on Corporations.
No. **889, A.** To committee on Education and Public Welfare.
No. **919, A.** To committee on Judiciary.
No. **920, A.** To committee on Judiciary.
No. **1046, A.** To calendar.
No. **1060, A.** To committee on State Affairs.
-

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read a second time.

No. **201, S.**

Upon motion of Senator Zophy, and with unanimous consent,
Laid over until Wednesday, April 30, 1913.

No. **447, S.**

Committee on State Affairs offered amendment No. 1, S.,
Which amendment was adopted.

No. **447, S.**, as amended,

Was ordered engrossed and read a third time.

No. **453, S.**

Amendment No. 1, S., adopted.

No. **453, S.**, as amended,

Was ordered engrossed and read a third time.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read a second time.

No. **81, A.**

Upon motion of Senator Biehler,

Re-referred to committee on State Affairs.

No. **554, A.**

Senator Bishop offered amendment No. 1, S.

No. **554, A.**,

Upon motion of Senator Tomkins,

Re-referred to committee on Judiciary.

No. **362, A.**,

No. **368, A.**,

No. **553, A.**,

No. **637, A.**,

No. **744, A.**,

No. **780, A.**,

No. **913, A.**,

No. **922, A.**,

No. **923, A.**,

No. **946, A.**,

No. **1023, A.**, and

No. **1082, A.**,

Were each severally ordered to a third reading.

No. **697, A.**

Amendment No. 1, S., adopted.

No. **697, A.**, as amended,

Was ordered to a third reading.

No. **981, A.**

Amendment No. 1, S., adopted.

No. **981, A.**, as amended,

Was ordered to a third reading.

No. **57, A.**,

No. **795, A.**,

No. **862, A.**,

No. **932, A.**,

No. **1018, A.**, and

No. **1039, A.**,

Were severally non-concurred in.

No. **359, A.**

Senator Bichler moved to lay the bill over for two weeks,

Which motion was lost.

Senator Bichler moved to lay the bill on the table,

Which motion was lost.

No. **359, A.**,

Was non-concurred in.

No. **722, A.**,

A bill authorizing cities of the first class to purchase, contract for, lease, acquire and operate plants or equipment necessary for securing, manufacturing or selling ice to itself or any person, firm or corporation.

The question was, Shall the bill be nonconcurrent in?

The ayes and noes were demanded, and the vote was: Ayes, 11; noes 14; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Bishop, Glenn, Kellogg, Martin A. E., Skogmo, Snover, Stevens, Weigle, and Weissleder—11.

Noes—Senators Ackley, Bosshard, Cunningham, Huber, Kileen, Linley, Martin H. C., Monk, Randolph, Scott, Teasdale, True, White, and Zophy—14.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Hustling, Perry, Richards, and Tomkins—7.

And so the senate refused to nonconcur in the bill and thereby ordering it to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. 3, S.,

A bill to amend section 1529a of the statutes, relating to Wisconsin Veterans' Home, and making an appropriation therefor.
Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes—21, noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bossert, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, White, and Zophy—21.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Hustung, Perry, Richards, and Tomkins—7.

And so the bill was passed.

No. 120, S.,

A bill to appropriate to Alfred Yankauer a sum of money therein named,
Was read a third time.

The question was, Shall the bill pass?
The ayes and noes were required, and the vote was: Ayes—21, noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bossert, Cunningham, Glenn, Huber, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, White, and Zophy—24.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hustung, Linley, Perry, Richards, and Tomkins—8.

And so the bill was passed.

No. 141, S.,

A bill to refund to the Minnesota Loan & Trust Co. a sum of money paid to the state for a transient merchants license, making an appropriation therefor,
Was read a third time.

The question was, Shall the bill pass?
The ayes and noes were required, and the vote was: Ayes—21, noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bossert, Cunningham, Glenn, Huber, Kellogg, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weissleder, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hustung, Kileen, Linley, Perry, Richards, Tomkins, and White—10.

And so the bill was passed.

No. 231, S.

Senator Tomkins with unanimous consent, offered amendment No. 1, S.

No. 231, S., and pending amendment,

Upon motion of Senator Teasdale,

Laid over until Thursday, May 1, 1913.

No. 282, S.

Senator Teasdale, with unanimous consent, offered substitute amendment No. 1, S.

No. 282, S., and pending amendment,

Laid over under the rules.

No. 364, S.

No. 427, S.

No. 429, S.

No. 437, S.

No. 439, S., and

No. 442, S.

Were each severally read a third time, and passed.

No. 346, S.

A bill to amend subsections 2 and 12 of section 1989m and to create subdivision (c) of subsection 13 of section 1989m of the statutes, relating to the life fund, and making an appropriation.

Senator Bosshard, with unanimous consent, offered amendment No. 2, S.

Which amendment was adopted.

No. 346, S., as amended,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Cunningham, Glenn, Huber, Kellogg, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Teasdale, True, Weigle, Weissleder, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Husting, Kileen, Linley, Perry, Richards, Stevens, and Tomkins—10.

And so the bill was passed.

No. 398, S.

A bill to create section 169a of the statutes, relating to the payment of expenses incurred in qualifying as a notary in various state departments,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bossha Cunningham, Glenn, Huber, Kellogg, Martin A. E., Martin H. Monk, Randolph, Scott, Skogmo, Snover, Teasdale, Tr Weigle, Weissleder, White and Zophy—22.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Ho Husting, Kileen, Linley, Perry, Richards, Stevens and To kins—10.

And so the bill was passed.

No. 423, S.,

A bill to repeal sections 1409a—1 and 1409a—2 of the statu and to create sections 1409a—1 to 1409a—2, of the statutes, lating to the prevention of blindness in infants, and making appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 2 noes, 2; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Bosshard, Cu ningham, Glenn, Huber, Kellogg, Martin A. E., Mart H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tr Weigle, Weissleder, White, and Zophy—20.

Noes—Senators Albers and Snover—2.

Absent or not voting—Senators Burke, Culbertson, Ho Husting, Kileen, Linley, Perry, Richards, Stevens, and Tomki —10.

And so the bill was passed.

No. 440, S.,

A bill to amend sections 2020 and 2024—58 of the statutes, r lating to the commissioner of banking and mutual savings bank

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 2 noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bossha Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Mart A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snove Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, an Zophy—25.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Ho Kileen, Perry, Richards, and White—7.

And so the bill was passed.

No. 441, S.,

A bill to amend section 2024—40pf of the statutes, relating to tl surplus fund of state banks,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—23.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Huber, Husting, Kileen, Perry, Richards, and White—9.

And so the bill was passed.

No. 443, S.,

A bill to appropriate a certain sum of money to H. A. Huber, E. J. Kneen, S. C. Goff, A. R. Potts, Martin Gorecki, and G. E. Hoyt, to cover expenses incurred by the committee appointed by the governor, under the provisions of chapter 410 of the laws of 1909, to visit the state charitable and penal institutions,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 25; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—25.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Kileen, Perry, Richards, and White—7.

And so the bill was passed.

No. 142, A.,

A bill to amend subdivision (7) of section 709, sections 1165, 1167, 1168, 1169, of the statutes, relating to redemption of lands sold for taxes,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—22.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Huber, Husting, Kileen, Perry, Richards, Tomkins, and White—10.

And so the bill was concurred in.

No. 235, A.,

A bill to compensate Frank B. Dorothy for services performed for the state of Wisconsin in the year 1909, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bossha
Cunningham, Glenn, Huber, Kellogg, Linley, Martin A.
Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stev
Teasdale, True, Weigle, Weissleder, and Zophy—23.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Ho
Husting, Kileen, Perry, Richards, Tomkins, and White—9.

And so the bill was concurred in.

No. **326, A.,**

No. **387, A.,**

No. **569, A.,**

No. **688, A.,**

No. **696, A.,**

No. **784, A.,**

No. **831, A.,**

No. **855, A.,**

No. **973, A.,**

No. **1067, A.,** and

No. **1077, A.,**

Were each severally read a third time, and concurred in.

No. **699, A.,**

Was read a third time.

The question was, Shall the bill be concurred in?

Division was called for and the senate refused to concur in
bill.

No. **596, A.,**

A bill to amend subdivision (2) of section 1240 of the statu
relating to a limitation upon the amount of highway taxes
towns,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes,
noes, none: absent or not votng, 9, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bossha
Cunningham, Glenn, Huber, Kellogg, Martin A. E., Martin
C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasd
True, Weigle, Weissleder, White and Zophy—23.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Ho
Husting, Kileen, Linley, Perry, Richards and Tomkins—9.

And so the bill was concurred in.

No. **636, A.,**

A bill to create section 1260m of the statutes, relating to ass
ment and collection of highway taxes.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Huber, Kellogg, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, White, and Zophy—23.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Husting, Kileen, Linley, Perry, Richards, and Tomkins—9.

And so the bill was concurred in.

No. 960, A.,

A bill to amend section 411—4 of the statutes, relating to the number of county training schools for teachers that may be organized,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 24; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, White, and Zophy—24.

Noes—None.

Absent or not voting—Senators Burke, Culbertson, Hoyt, Husting, Kileen, Perry, Richards, and Tomkins—8.

And so the bill was concurred in.

No. 1013, A.,

A bill to amend section 1786e—4 of the statutes, relating to fees for filing articles of incorporation of cooperative associations,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Cunningham, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Bosshard, Burke, Culbertson, Hoyt, Husting, Kileen, Perry, Richards, Scott, and Tomkins—10.

And so the bill was concurred in.

MOTIONS.

Senator Bishop moved that No. 369, S., be recalled from the committee on Finance, and withdrawn,
Which motion prevailed.

ADJOURNMENT.

Upon motion of Senator Randolph.
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **368, S.**,

Correctly enrolled at 11:55 o'clock a. m., and

No. **227, S.**,

Correctly enrolled at 2:00 o'clock p. m., and

No. **447, S.**, and

No. **453, S.**,

Correctly engrossed.

WEDNESDAY, APRIL 30, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. James Churm.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—31.

Absent with leave—Senator Richards—1.

The journal of yesterday was approved.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 44, S.,

Requesting the governor to return bill No. **11, S.**

Resolved by the senate, the assembly concurring, That the governor be and hereby is requested to return to the senate bill No. **11, S.**

By Senator White.

Adopted.

PETITIONS.

Pet. No. 582, S. By Senator Kellogg. To committee on State Affairs.

Pet. No. 583, S. By Senator Bichler. To committee on State Affairs.

Pet. No. 584, S. By Senator Bichler. To committee on State Affairs.

Pet. No. 585, S. By Senator Glenn. To committee on State Affairs.

Pet. No. 586, S. By Senator A. E. Martin. To committee on State Affairs.

Pet. No. 587, S. By Senator Bishop. To committee on State Affairs.

COMMUNICATION TO THE SENATE.

APRIL 30, 1913,

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with provision of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and address of Employer and Subject of Legislation.

Harris Berman, 526 Sherman St., Milwaukee, representing himself upon No. **961, A.**

A. Barlow, Niagara, Wis., representing himself upon No. **434, S.**

A. J. Chapman, Pembine, Wis., representing himself upon No. **434, S.**

Louis Feinberg, 385—13th St., Milwaukee, representing himself upon No. **961, A.**

Abe Gindglein, 644—9th St., Milwaukee, representing himself upon No. **961, A.**

R. L. Gressenbach, 347—22d St., Milwaukee, representing Milw. Fruit & Produce Exchange, upon No. **961, A.**

E. R. Godfrey, 294—98 Broadway, Milwaukee, representing Milw. Fruit & Produce Exchange, upon No. **961, A.**

H. Maskill, 753—9th St., Milwaukee, representing himself upon No. **961, A.**

Wm. H. Priske, Monroe, Wis., representing himself upon Weights and Measures, Railway Crossings.

Geo. W. Robinson, Pembine, Wis., representing himself upon No. **434, S.**

James S. Robinson, Pembine, Wis., representing himself upon No. **434, S.**

John Storven, Jr., Pembine, Wis., representing Town of Niagara, upon No. **434, S.**

Ernest Sauld, Pembine, Wis., representing himself upon No. **434, S.**

Trimm, Pembine, Wis., representeng himself upon No.

Valle, 261 Broadway, Milwaukee, representing Milw. & Fruit Exchange, upon No. **961, A.**

iesman, 438—4th St., Milwaukee, representing himself . **961, A.**

Willis, Pembine, Wis., representing himself upon No.

d O. Miller, Lawyer, Marinette, Wis., representing Resi-
Pembine, upon No. **434, S.**

COMMITTEE REPORTS.

ommittee on Judiciary report and recommend:

54, A., and

06, A.,

rrance.

48, S.,

51, S., and

55, S.,

ge.

52, S.,

referred to committee on State Affairs.

E. F. KILEEN,

Chairman.

52, S.,

re-referred to the committee on State Affairs.

oint committee on Finance report and recommend:

2, S.,

diner* No. 1, S., and passage, Messrs. Kneen and Roethe

g.

46, S.,

62, S., and

87, S.,

nite postponement.

14, S.,

ge.

G. E. SCOTT,

Chairman Senate Committee.

R. J. NYE,

Chairman Assembly Committee.

EXECUTIVE COMMUNICATION CONSIDERED.

53, S.

tute amendment No. 2, S., adopted.

53, S., as amended,

read a third time, and passed.

No. **164, S.**

Upon motion of Senator Bosshard,
Laid over until Wednesday, May 7, 1913.

No. **170, S.**

Senator Glenn, with unanimous consent, offered substitute amendment No. 1, S.

Laid over under the rules.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 69, A.

Concurred in

No. **14, S.**,

No. **86, S.**,

No. **128, S.**,

No. **255, S.**,

No. **258, S.**,

No. **269, S.**

Has non-concurred in

No. **348, S.**, and

No. **403, S.**,

Adheres to its position on

Sub-amendment No. 1, A., to No. **286, S.**,

And agrees to committee on conference, and appoints as such committee, Messrs. L. L. Johnson, Hedding and Kiefer.

Has passed, and asks concurrence in,

No. **62, A.**,

No. **145, A.**,

No. **219, A.**, and

No. **1084, A.**

Has concurred in

Amendment No. 1, S., to No. **6, A.**,

No. **23, A.**,

No. **551, A.**, and

No. **768, A.**

Has non-concurred in

Amendment No. 1, S., to No. **816, A.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 69, A., concurred in.

Read first time, and referred.

No. **62, A.** To committee on Education and Public Welfare.

No. **145, A.** To committee on Judiciary.

No. **219, A.** To committee on Corporations.

No. **1084, A.** To committee on Corporations.

MOTIONS CONSIDERED.

No. **198, S.,**

A bill to create section 1770ab of the statutes, relating to corporations.

Senator Bosshard moved that the bill be laid over until Wednesday, May 7, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 19; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Kellogg, Kileen, Martin H. C., Monk, Randolph, Teasdale, and True—10.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Linley, Martin A. E., Perry, Scott, Skogmo, Snover, Stevens, Weigle, Weissleder, White, and Zophy—19.

Absent or not voting—Senators Husting, Richards, and Tomkins—3.

And so the senate refused to lay the bill over.

Senator Bosshard moved that the bill be placed at the foot of the calendar,

The motion was lost.

Senator A. E. Martin moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 28; noes, 2; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White and Zophy—28.

Noes—Senators Glenn and Linley—2.

Absent or not voting—Senators Husting and Richards—2.

Senator Linley rose to explain his vote.

Senator Randolph rose to a point of order, stating that since the vote was on the main question, the vote had nothing to do with the bill.

The president held that a senator may explain as to his vote on any question, but that he may not under guise of an explanation debate the question.

The question was, Shall the vote by which the bill was indefinitely postponed, be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 18; absent or not voting, 1, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Husting, Kello, Kileen, Martin H. C., Monk, Randolph, Skogmo, Teasdale, Torkins, and True—13.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Curbertson, Cunningham, Glenn, Linley, Martin A. E., Perry, Snover, Stevens, Weigle, Weissleder, White, and Zophy—18.

Absent or not voting—Senator Richards—1.

And so the senate refused to reconsider the vote.

No. **187, A.**

The vote by which the bill was non-concurred in, was reconsidered.

Senator Teasdale offered amendment No. 1, S.

Senator Hoyt offered amendment No. 2, S.

Upon motion of Senator Bosshard,

No. **187, A.**, and pending amendments,

Were re-referred to committee on State Affairs.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT

No. **201, S.**,

A bill relating to sewage disposal works in cities of the first class.

Substitute amendment No. 1, S.

Senator A. E. Martin offered amendment No. 1, S., to substitute amendment No. 1, S.,

Which amendment was refused adoption.

Senator Weigle addressed the senate.

Senator H. C. Martin rose to a point of order that Senator Weigle was not addressing himself to the question.

The president held the point well taken.

Senator Zophy then addressed the senate.

Senator H. C. Martin rose to a point of order that Senator Zophy was not addressing himself to the question.

The president held the point well taken.

Senator A. E. Martin offered amendment No. 2, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Substitute amendment No. 1, S., adopted.

No. **201, S.**, as amended,

Was ordered engrossed and read a third time.

Senator Bosshard asked that all rules interfering be suspended with unanimous consent, and that No. **201, S.**, be placed upon its final passage at this time.

Senator A. E. Martin objected.

Senator Bosshard moved that all rules interfering be suspended and that No. **201, S.**, be placed upon its final passage at this time.

The ayes and noes were required, and the vote was: Ayes, 2; noes, 2; absent or not voting, 5, as follows:

ators Ackley, Bichler, Bishop, Bosshard, Culbertson,
n, Hoyt, Huber, Kellogg, Kileen, Linley, Martin H.
Perry, Randolph, Scott, Skogmo, Snover, Stevens,
rue, Weigle, Weissleder, White, and Zophy—25.

ators Martin A. E., and Teasdale—2.

r not voting—Senators Albers, Burke, Glenn, Husting,
ds—5.

ne rules were suspended.

, S.,

a third time, and passed.

mittee on Legislative Procedure report and recommend
tion bills bearing the following revision numbers:

5, 496, 497, 498, 499, 500, 501, 503, 504, 505,
7.

H. C. MARTIN,
Chairman.

were read by title, and the recommendation of the
stood as the order of the senate.

BILLS INTRODUCED.

t time and referred.

S. (Revision No. 495). By Committee on Judiciary.
To committee on Judiciary.

S. (Revision No. 496). By Committee on Judiciary.
To committee on Judiciary.

S. (Revision No. 497). By Committee on Judiciary.
To committee on Judiciary.

S. (Revision No. 498). By Committee on Judiciary.
To committee on Finance.

S. (Revision No. 499). By Committee on Judiciary.
To committee on Judiciary.

S. (Revision No. 500). By Committee on Judiciary.
To committee on Judiciary.

S. (Revision No. 501). By Committee on Judiciary.
To committee on Judiciary.

S. (Revision No. 503). By Committee on Finance.
To committee on State Affairs.

S. (Revision No. 504). By Committee on Finance.
To committee on Finance.

S. (Revision No. 505). By Senator Teasdale. To
committee on Finance.

No. **481, S.** (Revision No. 506). By Committee on Corporations. To committee on Corporations.

No. **482, S.** (Revision No. 507). By Committee on Corporations. To committee on Corporations.

LEAVE OF ABSENCE.

Upon request,
Leave of absence was granted to Senator Weissleder for remainder of the week.

RECESS.

Upon motion of Senator Perry,
The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

The committee on Judiciary filed one bill for revision at chief clerk's desk.

7:30 O'CLOCK P.

The senate was called to order by the president.

No. **332, S.**,

A bill to amend section 1087m—14 and subsection 1 of section 1087m—17 of the statutes, relating to taxation of incomes.

Senator Cunningham offered amendment No. 1, S., to amend section No. 1, S.

Senator Zophy moved to lay the bill over for two weeks.

Senator Tomkins moved the previous question.

The question was, Shall the main question now be put?

The ayes and noes were required, and the vote was: Ayes, noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bossert, Culbertson, Cunningham, Huber, Husting, Kellogg, Kinley, Linley, Martin A. E., Martin H. C., Monk, Perry, Randall, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Wagoner, and Zophy—26.

Noes—None.

Absent or not voting—Senators Burke, Glenn, Hoyt, Richards, Weigle, and Weissleder—6.

main question was ordered put.

on was, Shall the bill be laid over for two weeks?

ion was lost.

on was, Shall amendment No. 1, S., to amendment
be adopted?

and noes were demanded, and the vote was: Ayes, 27;

absent or not voting, 5, as follows:

ators Ackley, Albers, Bichler Bishop, Bosshard,
Cunningham, Huber, Husting, Kellogg, Kileen,
n A. E., Martin H. C., Monk, Perry, Randolph,
mo, Snover, Stevens, Teasdale, Tomkins, True,
te, and Zophy—27.

ie.

not voting—Senators Burke, Glenn, Hoyt, Richards,
er—5.

amendment was adopted.

on was, Shall amendment No. 1, S., as amended, be

and noes were demanded, and the vote was: Ayes, 22;

at or not voting, 4, as follows:

ators Ackley, Albers, Bichler, Bishop, Bosshard,
rtson, Cunningham, Huber, Husting, Kellogg, Lin-
A. E., Perry, Randolph, Scott, Snover, Stevens,
ue, Weigle, and Zophy—22.

ators Kileen, Martin H. C., Monk, Skogmo, Tom-
ite—6.

not voting—Senators Glenn, Hoyt, Richards, and
4.

amendment was adopted.

t No. 2, S., adopted.

on was, Shall the bill be indefinitely postponed?

and noes were demanded, and the vote was: Ayes, 15;

ent or not voting, 4, as follows:

ators Bichler, Bosshard, Culbertson, Huber, Husting,
een, Martin H. C., Monk, Randolph, Scott, Skogmo,
ue, and Mr. President—15.

ators Ackley, Albers, Bishop, Burke, Cunningham,
n A. E., Perry, Snover, Stevens, Teasdale, Weigle,
Zophy—14.

not voting—Senators Glenn, Hoyt, Richards, and
4.

bill was indefinitely postponed.

S.

est of Senator A. E. Martin, and with unanimous

until tomorrow.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

No. 1063, A.

Upon motion of Senator Randolph,
Laid over till Tuesday, May 6, 1913.

Read a second time.

Jt. Res. No. 20, A.

Senator Cunningham moved that the resolution be laid over
Thursday, May 8, 1913,
Which motion was lost.

Senator H. C. Martin moved that the resolution be non-
concurrent in.

Senator White moved the previous question.

The president called the president pro tempore to the chair.

Jt. Res. No. 20, A.,

A joint resolution to amend section 11, of article IV, of the
constitution of the state of Wisconsin, placing limitations upon
length of legislative sessions.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes
noes, 10; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bishop, Burke, Culbertson,
Hoyt, Huber, Kellogg, Kileen, Martin A. E., Skogmo, Snodgrass,
Stevens, Tomkins, True, Weigle, and White—17.

Noes—Senators Bosshard, Husting, Linley, Martin H.,
Monk, Perry, Randolph, Scott, Teasdale, and Zophy—10.

Absent or not voting—Senators Biehler, Cunningham, Gurnea,
Richards, and Weissleder—5.

And so the main question was ordered now put.

The question was, Shall the resolution be non-concurrent in

The ayes and noes were demanded, and the vote was: Ayes
18; noes, 9; absent or not voting, 5, as follows:

Ayes—Senators Biehler, Bishop, Bosshard, Burke, Culbertson,
Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Monk,
H. C., Skogmo, Tomkins, True, White, and Zophy—23.

Noes—Senators Ackley, Linley, Perry, Randolph, Snodgrass,
Snoover, Stevens, Teasdale, and Weigle—9.

Absent or not voting—Senators Albers, Cunningham, Gurnea,
Richards, and Weissleder—5.

And so the bill was non-concurrent in.

No. 292, A.

Upon motion of Senator Zophy,
Laid over till Tuesday, May 6, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **69, S.**,

A bill to appropriate a certain sum of money to the normal school fund income to build a normal school at Eau Claire,

Was read a third time.

Senator Ackley moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 10; noes, 17; paired on the bill, 2; absent or not voting, 3, as follows;

Ayes—Senators Ackley, Albers, Bishop, Culbertson, Cunningham, Martin A. E., Snover, Stevens, Weigle, and Zophy—10.

Noes—Senators Bichler, Bosshard, Burke, Hustling, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and White—17.

Paired—Senator Weissleder for the bill, and Senator Huber against—2.

Absent or not voting—Senators Glenn, Hoyt, and Richards—3.

And so the senate refused to order the main question put.

The president resumed the chair.

Senator Skogmo moved that the bill be laid over until Tuesday, May 6, 1913,

Which motion was lost.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, 8; paired, 2; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Cunningham, Hoyt, Linley, Martin A. E., Martin H. C., Perry, Scott, Snover, Stevens, Teasdale, True, Weigle, White, and Zophy—20.

Noes—Senators Culbertson, Hustling, Kellogg, Kileen, Monk, Randolph, Skogmo, and Tomkins—8.

Paired—Senator Huber against the bill, Senator Weissleder for the bill—2.

Absent or not voting—Senators Glenn and Richards—2.

And so the bill was passed.

No. **436, S.**,

Was read a third time, and passed.

No. **439, A.**,

A bill to create section 381m of the statutes, relating to employees of the university,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 16; noes, 11; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Burke, Cunningham, Husting, Kileen, Linley, Randolph, Scott, Skogmo, Stevens, Tomkins, Weigle, White, and Zophy—16.

Noes—Senators Albers, Bishop, Culbertson, Hoyt, Kellogg, Martin A. E., Martin H. C., Monk, Perry, Snover, and Teasdale—11.

Absent or not voting—Senators Glenn, Huber, Richards, True, and Weissleder—5.

And so the bill was concurred in.

No. **496, A.**,

A bill authorizing the commissioners of public lands to transfer to Jonathan Aurandt certain lands in Buffalo county, Wisconsin, Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bishop, Burke, Culbertson, Cunningham, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Bosshard, Glenn, Huber, Husting, Richards, Scott, True, and Weissleder—10.

And so the bill was concurred in.

No. **460, A.**,

No. **497, A.**,

No. **726, A.**, and

No. **764, A.**,

Were each severally read a third time, and concurred in.

COMMITTEE REPORT.

The committee on Education and Public Welfare report and recommend:

No. **118, S.**,

Passage.

No. **299, A.**,

Non-concurrence.

HOWARD TEASDALE,
Chairman.

No. **118, S.**,

Was re-referred to committee on Finance, under the rules.

MESSAGE FROM THE ASSEMBLY.

C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

am directed to inform you that the assembly has concurred in
Res. No. 44, S.

ADJOURNMENT.

upon motion of Senator H. C. Martin,
the senate adjourned.

CLERK'S REPORT.

the chief clerk records,

S. 31, S.,
S. 402, S.,
S. 410, S.,

correctly enrolled at 9:40 o'clock p. m.

BILLS FOR REVISION.

the committee on Finance filed four bills and the committee on
Corporations filed one bill for revision at the chief clerk's desk.

41—S. J.

THURSDAY, MAY 1, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. James Churm.

The roll was called and the following senators answered their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burk Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perrin, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—31.

Absent—Senator Weissleder—1.

The journal of yesterday was approved.

MOTIONS.

Senator White moved that No. **1018, A.**, be recalled from the assembly,

Which motion prevailed.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 45, S.,

Resolved by the senate, the assembly concurring, That the governor nor be requested to return to the senate, for the purpose of amendment, bill No. **133, S.**

By Senator Teasdale.

Adopted.

The committee on Legislative Procedure report and recommend for introduction bill bearing revision No. 508.

H. C. MARTIN,
Chairman.

The bill was read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **483, S.** (Revision No. 508). By Committee on Judiciary.
To Committee on Judiciary.

PETITIONS.

Pet. No. 588, S. By Senator Weigle. To committee on State Affairs.

Pet. No. 589, S. By Senator Snover. To committee on State Affairs.

COMMUNICATION TO THE SENATE.

MAY 1, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Rudolph Bert, 1624 Center St., Milwaukee, representing himself upon No. **299, A.**

R. A. Carnahan, Mauston, Wis., representing Presbytery of Madison, upon legislation relating to church property.

W. H. Dietrich, Madison, Wis., representing Wis. Assn. of Optometrists, upon all legislation affecting Optometry.

Fred de Harde, Druggist, 801 North Ave., Milwaukee, representing himself upon No. **299, A.**

Geo. E. Hunt, Madison, Wis., representing Presbyterian Synod of Wisconsin, upon all legislation relating to church property.

Henry G. Fischer, Jefferson, Wis., representing himself upon optometry.

Geo. H. Kesten, 502 State St., Milwaukee, representing himself upon No. **299, A.**

W. P. Kaiser, 992 Kinnickinnic Ave., Milwaukee, representing himself upon No. **299, A.**

Clarence Snyder, Racine, Wis., representing Manufacturers' Assn. of Racine, upon all legislation affecting manufacturing.

Alex Higgins, Eagle River, Wis., representing Vilas County, upon Forestry Legislation.

Doe & Ballhorn, Attys., Milwaukee, 314 Wells Bldg., representing Wis. Div. Traveling Men's Protective Assn., upon **1086, A.**, and General Legislation.

L. M. Jeger, 1126 Wells Bldg., Milwaukee, representing Cream City Brewing Co., upon Exoise Matters,

H. L. Kellogg, Attorney, Milwaukee, representing Wis. Div. Traveling Men's Protective Association, No. **1086, A.**, General Legislation.

Pursuant to Jt. Res. No. 59, A., the tax commission submit their report on the revenues and expenditures incident to the come Tax.

Upon motion of Senator H. C. Martin,

The reading of the report was dispensed with and ordered printed as an appendix to the ~~senate~~ journal.

Senator Teasdale presented the report of the Board of Trustees on the Teachers' Insurance and Retirement Fund.

Upon motion of Senator Teasdale,

The reading of the report was dispensed with and referred to the committee on Education and Public Welfare.

COMMITTEE REPORT.

The committee on Education and Public Welfare report and recommend:

No. **121, S.**,

Adoption of amendment No. 1, S., and passage.

HOWARD TEASDALE,

Chairman

Re r e f e r r e l to committee on Finance under the rules.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **390, S.**

Upon motion of Senator H. C. Martin,

Laid over until Monday, May 5, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

Amendment No. 1, S., to No. **410, A.**,

Amendment No. 1, S., to No. **419, A.**,

Amendment No. 1, S., to No. **646, A.**,

Amendment No. 1, S., to No. **745, A.**

Has passed, and asks concurrence in,

No. **601, A.**,

No. **753, A.**,
No. **789, A.**
Has concurred in
No. **193, S.**,
No. **276, S.**,
No. **395, S.**,
No. **396, S.**,
No. **401, S.**,
No. **406, S.**,
No. **407, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **601, A.** To committee on Finance.

No. **753, A.** To committee on Corporations.

No. **789, A.** To committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **103, S.**

Upon motion of Senator Randolph,
Re-referred to committee on Finance.

No. **189, S.**

Substitute amendment No. 1, S., adopted.

No. **189, S.**, as amended,

Was ordered engrossed and read a third time.

No. **247, S.**

Amendment No. 1, S., adopted.

No. **247, S.**, as amended,

Was ordered engrossed and read a third time.

No. **253, S.**

Was indefinitely postponed.

No. **280, S.**

Senator Bichler offered substitute amendment No. 1, S.

No. **280, S.**

Upon motion of Senator Perry,

Laid over to Thursday, May 8, 1913.

No. **432, S.**

Senator Teasdale offered amendment No. 1, S.,

Which amendment was refused adoption.

No. **432, S.**

A bill to create subdivision (9m) of section 2394—52 of the statutes, relating to teachers' employment agency,

Was read a second time.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, noes, 21; absent or not voting, 3, as follows:

Ayes—Senators Albers, Bishop, Burke, Glenn, Martin A. Perry, Snover, and Teasdale—8.

Noes—Senators Biehler, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin H. C., Moore, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, Tru Weigle, White, and Zophy—21.

Absent or not voting—Senators Ackley, Husting, and Weiler—3.

And so the senate refused to indefinitely postpone the bill, and thereby ordering it engrossed and read a third time.

No. **425, S.**

Senator Tomkins offered amendment No. 1, S., Which amendment was adopted.

No. **425, S.**, as amended,

Was read a second time, and ordered engrossed and read a third time.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

Read second time.

No. **550, A.**, and

No. **1046, A.**,

Were each severally ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **231, S.**

Senator Biehler, with unanimous consent, offered amendment No. 1, S., to amendment No. 1, S.,

Which amendment was adopted.

Amendment No. 1, S., as amended, adopted.

No. **231, S.**, as amended,

Was read a third time, and passed.

No. **447, S.**, and

No. **453, S.**,

Were each severally read a third time, and passed.

No. **282, S.**,

A bill to create sub-division 9 of section 564 of the statute relating to the duties of the Board of Control as to other than state institutions.

Substitute amendment No. 1, S., adopted.

No. **282, S.**, as amended,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 26;
s, none; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke,
Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen,
Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott,
Gmo, Snover, Stevens, Teasdale, True, Weigle, White, and
Zophy—26.

Noes—None.

Absent or not voting—Senators Ackley, Husting, Linley, Perry,
Tomkins and Weissleder—6.

And so the bill was passed.

Ye. **362, A.,**

Ye. **368, A.,**

Ye. **553, A.,**

Ye. **637, A.,**

Ye. **697, A.,**

Ye. **744, A.,**

Ye. **780, A.,**

Ye. **913, A.,**

Ye. **922, A.,**

Ye. **946, A.,**

Ye. **981, A.,**

Ye. **1023, A.,** and

Ye. **1082, A.,**

Were each severally read a third time, and concurred in.

Ye. **722, A.,**

bill authorizing cities of the first class to purchase, contract
lease, acquire and operate plants or equipment necessary for
icing, manufacturing or selling ice to itself or any person, firm
& corporation.

read a third time.

Question was, Shall the bill be concurred in.

Ayes and noes were demanded, and the vote was: Ayes, 18;

s; absent or not voting, 6, as follows:

s—Senators Bosshard, Burke, Culbertson, Glenn, Hoyt,
Kellogg, Kileen, Monk, Randolph, Richards, Scott,
o, Teasdale, Tomkins, True, White, and Zophy—18.

s—Senators Albers, Bichler, Bishop, Cunningham, Martin
Perry, Stevens, and Weigle—8.

ent or not voting—Senators Ackley, Husting, Linley, Mar-
C., Snover, and Weissleder—6.

so the bill was concurred in.

923, A.,

bill to create section 1270a of the statutes, relating to build-
d improvement of highways,

s read a third time.

e Question was, Shall the bill be concurred in?

e Ayes and noes were required, and the vote was: Ayes, 20;

1; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichlér, Bishop, Bosshard, Cunningham, Glenn, Hoyt, Kellogg, Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, White, Zophy—20.

Noes—Senator Culbertson,—1.

Absent or not voting—Senators Ackley, Huber, Husting, Kinley, Martin A. E., Martin H. C., Snover, Stevens, Weigle, Weissleder—11.

And so the bill was concurred in.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate.

Gentlemen: Pursuant to the provisions of Joint Resolution No. 44, S., I return herewith, for the purpose of amendment, bill No. **11, S.**

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor

May 1, 1913.

MOTIONS.

Senator Bichler moved, that the vote by which No. **332**, was indefinitely postponed, be reconsidered, and that this motion lie over until Thursday, May 8, 1913.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Cunningham, A. Martin and White until Monday, May 5, 1913, and to Senator Culbertson and Stevens until Wednesday, May 7, 1913.

ADJOURNMENT.

Upon motion of Senator Scott,
The senate adjourned.

BILLS FOR REVISION.

Senator Culbertson filed one bill and Senator Randolph filed two bills for revision at the chief clerk's desk.

CLERK'S REPORT.

The chief clerk records:

No. **189, S.**

No. **247, S.,**

No. **425, S.,**

Correctly engrossed.

FRIDAY, MAY 2, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. James Churm.

Upon motion of Senator Bishop,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

PETITIONS.

Pet. No. 590, S. By Senator Hoyt. To committee on State Affairs.

BILLS FOR REVISION.

The special committee appointed under Jt. Res. No. 32, S., filed one bill for revision at the chief clerk's desk.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **119, S.**,

Indefinite postponement.

No. **205, S.**,

Adoption of amendment No. 1, S., and passage.

No. **445, S.**,

Passage.

No. **457, S.**,

Adoption of amendment No. 1, S., and passage.

No. **460, S.**,

Adoption of amendment No. 1, S., and passage.

No. **750, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **758, A.,** and

No. **910, A.,**

Concurrence.

No. **950, A.,**

Non-concurrence, Senators H. C. Martin and Monk dissenting.

HOWARD TEASDALE,

Chairman.

No. **205, S.,**

Re-referred to the committee on Finance, under the rules.

The committee on Corporations report and recommend:

No. **434, S.,**

Passage, Senator A. E. Martin dissenting, Senator Bosshard not voting.

No. **449, A.,**

Adoption of amendment No. 1, S., and concurrence, Senators Glenn, Kellogg and A. E. Martin dissenting.

No. **454, A.,**

Adoption of substitute amendment No. 1, S., and concurrence.

No. **694, A.,**

No. **762, A.,** and

No. **1093, A.,**

Concurrence.

OTTO BOSSHARD,

Chairman.

The committee on Judiciary report and recommend:

No. **274, S.,**

Passage.

No. **389, S.,**

Adoption of substitute amendment No. 1, S., and passage.

No. **564, A.,**

No. **664, A.,**

No. **1041, A.,**

No. **1068, A.,**

No. **1083, A.,** and

No. **1137, A.,**

Concurrence.

Res. No. **22, S.,**

Indefinite postponement.

A. PEARCE TOMKINS,

Acting Chairman.

No. **389, S.,**

Re-referred to committee on Finance under the rules.

The joint committee on Finance report and recommend:

No. **21, S.**,

Substitute amendment No. 2, S., and passage.

No. **101, S.**,

Substitute amendment No. 1, S., and passage.

No. **316, S.**,

Indefinite postponement.

G. E. SCOTT,

Chairman Senate Committee.

R. J. NYE,

Chairman Assembly Committee.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Gentlemen: I return herewith, without approval, bill No. **272, S.**, entitled, "An act to create subsection 5 of section 4224 of the statutes, relating to limitation of actions upon certain insurance policies".

Should this bill be enacted into law, the time within which actions may be begun against insurance companies to recover damages for losses occasioned by fire, would be reduced from six to two years. I am unable to perceive any good reason why the change should be made. The statute of limitations is not a defense that should be especially favored in law. In morals it is generally more or less unconscionable. As applied to the classes of cases covered by this bill the reduction in time would be wholly in the interest of insurance companies and against the public. Six years is now the general rule. Why should we make an exception of fire insurance companies? If the average citizen may still be sued on grocery, plumber, lawyer and doctor bills at any time within six years after the claim has accrued, why not insurance companies also on fire losses?

Immediate notice of such losses is now required to be given. Section 1941—55, Wisconsin Statutes. The insurer and the insured are thus placed upon an equal footing in respect of the opportunity afforded to gather and preserve evidence touching the validity of claims of this sort. It requires no exceptional fertility of imagination to foresee how promises and perhaps attempts at adjustment may be protracted until the very brief period of limitation provided in this bill has expired. The unexpected death of the person who took out the policy may also operate in the same way. So far as I know there is no demand for such a radical change in the settled policy of the state; and surely the nature of the transactions to be affected does not justify the enactment of this bill into law.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

May 2, 1913.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **170, S.**

Substitute amendment No. 1, S., adopted.

No. **170, S.**, as amended,

Was read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has non-concurred in

Amendment No. 1, S., and requests committee on conference and has appointed conferees on the part of the assembly, Messrs. Sommerfield, Manning and Minkley on bill No. **799, A.**

Concurred in

Jt. Res. No. 18, S.,

Jt. Res. No. 19, S.,

Jt. Res. No. 22, S., and

Jt. Res. No. 45, S.

And returns to the senate, as per request,
No. **1018, A.**

Has adopted, and asks concurrence in,

Jt. Res No. 70, A., and

Jt. Res. No. 71, A.

Jt. Res. No. 70, A.,

Extending the sympathy of the legislature to Senator R. M. La Follette and other relatives of the late Hon. W. T. LaFollette.

WHEREAS, This legislature notes with regret the death at the home of his sister, Mrs. R. G. Siebecker, in Madison, of the only brother of Wisconsin's senior senator, Hon. W. T. LaFollette, a man whose private and public life exemplified the highest type of American citizenship; therefore, be it

Resolved by the assembly, the senate concurring, That the legislature herewith extends its deepest sympathy to Senator R. M. LaFollette, who is unable to attend the funeral, and to the other relatives of the deceased.

Concurred in by a unanimous rising vote.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 71, A.

Read first time and referred to committee on Education and Public Welfare.

No. **816, A.**

Upon motion of Senator Bosshard,

Laid over until Wednesday, May 7, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **12, S.**,

Amendment No. 1, S., adopted.

No. **12, S.**, as amended,

Was ordered engrossed and read a third time.

Read a second time.

No. **414, S.**,

No. **448, S.**,

No. **451, S.**, and

No. **455, S.**,

Were each severally ordered engrossed and read a third time.

No. **246, S.**,

No. **362, S.**, and

No. **387, S.**,

Were severally indefinitely postponed.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

No. **254, A.**, and

No. **406, A.**,

Were each severally ordered to a third reading.

No. **299, A.**

Upon motion of Senator Tomkins,

Laid over until Wednesday, May 7, 1913.

No. **842, A.**

Senator Bishop moved to lay over until Tuesday, May 6, 1913.

Senator Bichler moved to re-refer the bill to the special committee on Highways.

Senator Skogmo moved to re-refer the bill to the committee on Corporations.

Senator Skogmo, with unanimous consent, withdrew his motion.

Senator Bichler, with unanimous consent, withdrew his motion, and moved to refer the bill to the committee on Finance.

The president held that the motion of Senator Bishop, to lay over to a day certain, took precedence to the motion of Senator Bichler to re-refer.

Senator Bishop, with unanimous consent, withdrew his motion, and moved to amend the motion of Senator Bichler, to re-refer the bill to the committee on Corporations,

Which amendment was adopted.

The motion of Senator Bichler, as amended by the motion of Senator Bishop, was adopted, and the bill was re-referred.

The president appointed Senators White, Weigle and Bichler on part of the senate, as members of the joint legislative committee under No. **205, A.**, chapter 90, laws of 1913.

The committee on Legislative Procedure report and recommend for introduction, bill bearing revision No. 517.

H. C. MARTIN,
Chairman.

The bill was read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **484, S.** (Revision No. 517). By Special Committee appointed under Jt. Res. No. 32, S., (with recommendation for passage). To calendar.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Skogmo, Bishop and Teasdale until Wednesday, May 7, 1913, and to Senator Hoyt until Tuesday, May 6, 1913.

Upon request of Senator Huber,

Leave of absence was granted to Senators Linley and Richards until Tuesday, May 6, 1913, and to Senators Husting and Kellogg until Monday, May 5, 1913.

RECESS.

Upon motion of Senator Skogmo,

The senate took a recess until 5 o'clock p. m.

BILLS FOR REVISION.

Senator Zophy filed one bill, Senator Teasdale filed one bill, the committee on Judiciary filed one bill and the committee on Finance filed one bill for revision at the chief clerk's desk.

5:00 O'CLOCK P. M.

Senate was called to order by the assistant chief clerk.
motion of Senator True,
r Monk was elected to preside for this session.

EXECUTIVE COMMUNICATION.

Honorable, the Senate.

men: Pursuant to the provisions of Joint Resolution
S., I return herewith, for the purpose of correction, bill
B, S.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor,

, 1913.

ed to the calendar.

MESSAGE FROM THE ASSEMBLY.

E. SHAEFFER, chief clerk thereof.

SIDENT:

Directed to inform you that the assembly has appointed as
tee on part of the assembly in accordance with bill No.
, Messrs. Gulickson, Carpenter, Everett, Conway, Lentz
on.

COMMITTEE REPORT.

Committee of conference on No. **87, S.**, report and rec-
he senate recede from its position and concur in amend-
1, A.

OTTO BOSSHARD,
GEORGE B. SKOGMO,
HOWARD TEASDALE,
A. McCOMB,
C. L. HOOD,
CHARLES D. ROSA.

Report of the committee of conference was adopted, the
ceded from its position, and concurred in amendment No.
No. **87, S.**

ADJOURNMENT.

Upon motion of Senator True,
The senate adjourned until Monday, May 5, 1913, at 9:00
o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **68, S.**,

No. **72, S.**,

No. **405, S.**,

No. **435, S.**,

Correctly enrolled at 2:45 o'clock p. m., and

No. **12, S.**,

Correctly engrossed.

MONDAY, MAY 5, 1913.
9:00 O'CLOCK P. M.

Senate met.
President pro tempore in the chair.
Prayer was offered by the Rev. F. R. Harding, of the First M.
Church of New Lisbon, Wis.
On motion of Senator Zophy,
calling of the roll was dispensed with.

Journal of Friday, May 2, 1913, was approved.

RESOLUTIONS INTRODUCED.

first time and referred.

Res. No. 46, S. By Senator Husting. To committee on
Education and Public Welfare.

Committee on Legislative Procedure report and recommend
production bills bearing the following revision numbers:
509, 510, 511, 512, 513, 520, 521, 522 and 523.

H. C. MARTIN,
Chairman.

Bills were read by title and the recommendation of the com-
mittee stood as the order of the senate.

BILLS INTRODUCED.

first time and referred.

5, S. (Revision No. 509). By Committee on Corpora-
tions. To committee on Corporations.

6, S. (Revision No. 510). By Committee on Finance, with
passage recommended. To calendar.

7, S. (Revision No. 511). By Committee on Finance. To
committee on Finance.

- No. **488, S.** (Revision No. 512). By Committee on Finance, with passage recommended. To calendar.
- No. **489, S.** (Revision No. 513). By Committee on Finance. To committee on Finance.
- No. **490, S.** (Revision No. 520). By Committee on Judiciary. To committee on Judiciary.
- No. **491, S.** (Revision No. 521). By Committee on Finance. To committee on Finance.
- No. **492, S.** (Revision No. 522). By Committee on Judiciary. To committee on Judiciary.
- No. **493, S.** (Revision No. 523.) By Senator Monk. To committee on Education and Public Welfare.
-

PETITIONS.

- Pet. No. 591, S. By Senator Kellogg. To committee on State Affairs.
- Pet. No. 592, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 593, S. By Senator H. C. Martin. To committee on State Affairs.
- Pet. No. 594, S. By Senator Kileen. To committee on State Affairs.
-

COMMITTEE REPORTS.

The committee on State Affairs report and recommend:
No. **452, S.**,
Refer to committee on Finance.
No. **467, S.**,
Adoption of substitute amendment No. 1, S., and passage.
No. **470, S.**,
Passage.
No. **187, A.**,
Adoption of amendments No. 2, S., and No. 3, S., and concurrence.
No. **367, A.**,
Jt. Res. No. 52, A., and
Jt. Res. No. 63, A.,
Concurrence.

M. F. WHITE,
Chairman.

No **452, S.**, was referred to the committee on Finance.

EXECUTIVE COMMUNICATION.

To the Honorable, the Legislature:

Gentlemen: On March 25th of this year I transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and the Secretary of State at Washington, D. C., certified copies of Joint Resolution No. 5, introduced as Joint Resolution No. 3, S., recently passed by the legislature of Wisconsin, purporting to ratify the proposed amendment to the Constitution of the United States relating to the popular election of United States senators.

Today I received a communication from the Acting Secretary of State of the United States, by which it appears that the resolution for the amendment of the federal Constitution relative to this matter ratified by the legislature of this state is not the same in some important respects as the proposed amendment adopted by Congress and ratified by the legislatures of other states. This letter is as follows:

“Referring to your letter of March 25, 1913, I desire to call your attention to the fact that while the Joint Resolution passed by the Wisconsin legislature, enclosed therewith, purports to quote in exact terms the Joint Resolution of the 62nd Congress, 2nd Session, proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several states, a comparison of the last mentioned Resolution with the one passed by the Wisconsin Legislature shows that certain clauses and paragraphs have been added in the latter Resolution which were not contained in the Resolution passed by Congress. In paragraph 4 of the Joint Resolution passed by the Wisconsin Legislature, the following clause, which does not appear in the Joint Resolution passed by Congress, is inserted after the word “vacancies” and before the words “the following”:

“and in lieu of all of paragraph one of section four of said article one, in so far as the same relates to any authority in congress to make or alter regulations as to the times or manner of holding elections for senators.”

“All of paragraph 6 of the Joint Resolution passed by the Legislature of the State of Wisconsin which reads as follows.

“The times, places, and manner of holding elections for senators shall be as prescribed in each state by the legislature thereof,”

has been inserted and does not appear in the Joint Resolution passed by Congress.

Inasmuch as it does not appear from the copy of the Joint Resolution passed by the Legislature of the State of Wisconsin and filed with this Department, whether it was the intention of that body to ratify the same Resolution that was passed by Congress, or whether it was its intention to ratify that Resolution with the changes which have been pointed out, the matter is respectfully referred to you with the request that it be called to the attention of the Legislature of your State and that body given an opportunity to indicate more clearly its intentions, and for such action as it deems advisable.

I am enclosing for your information a copy of the Joint Resolution of the Legislature of Wisconsin, transmitted to the Department in your letter of March 25th, last, and also a duplicate of the letter sent to you by the Secretary of State on May 17, 1912, enclosing a certified copy of a Resolution entitled “Joint Resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several states.”

An early reply indicating the intention of the Legislature in this matter will be appreciated.”

The doubt thus raised as to whether it was the intention of this legislature to ratify the same resolution that was passed by Congress should be removed. I would suggest, therefore, that a Joint Resolution in the exact language of the proposed amendment to the Federal Constitution providing for the election of United States senators by popular vote as submitted by Congress to the several states be now approved by this legislature. A true and correct copy of the resolution of Congress upon this subject is hereto attached, the original of which is on file in the Department of State at Washington.

Inasmuch as this legislature has already passed upon the merits of this question there should be no delay in approving

this resolution in order that the important change proposed by it may go into effect without further delay.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

May 5, 1913.

Referred to committee on Education and Public Welfare.

To the Honorable, the Legislature:

Gentlemen: I have the honor to transmit herewith a Joint Resolution memorializing Congress in favor of a canal connecting Lake Superior with the Mississippi River via the Brule and St. Croix Rivers, and providing for the appointment of a commission to promote the construction thereof and to act in conjunction with commissions appointed by other states.

This is done in response to a written request of the Governor of Minnesota received Saturday. The project is an important one and if feasible of very great significance and value to the people of Wisconsin, particularly those living in the northwestern part of the state. I submit it therefore for your careful consideration.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

May 5, 1913.

Referred to committee on Finance.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **390, S.**

Upon motion of Senator Huber, and with unanimous consent,
The vote by which No. **390, S.**, was passed, was reconsidered.

Senator H. C. Martin offered amendment No. 2. S.,
Which amendment was adopted.

No. **390, S.**, as amended.

Upon motion of Senator Scott,

Laid over until Wednesday, May 7, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has amended.
and concurred in as amended,

No. **13, S.**

Has passed, and asks concurrence in,

No. **141, A.,**

No. **190, A.,**

No. **223, A.,**

No. **382, A.,**

No. **426, A.,**

No. **472, A.,**

No. **494, A.,**

No. **614, A.,**

No. **917, A.,**

No. **925, A.,**

No. **927, A.,**

No. **951, A.,**

No. **1015, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **141, A.** To committee on Corporations.

No. **190, A.** To committee on Education and Public Welfare.

No. **223, A.** To committee on Corporations.

No. **382, A.** To committee on Judiciary.

No. **426, A.** To calendar.

No. **472, A.** To committee on Corporations.

No. **494, A.** To committee on Judiciary.

No. **614, A.** To committee on Corporations.

No. **917, A.** To committee on Judiciary.

No. **925, A.** To committee on Education and Public Welfare.

No. **927, A.** To committee on Corporations.

No. **951, A.** To committee on Corporations.

No. **1015, A.** To committee on Corporations.

BILLS AND RESOLUTIONS READY FOR A THIRD
READING.

No. **189, S.**

Upon motion of Senator Husting,
Laid over till Wednesday, May 7, 1913.

No. **247, S.**

Upon motion of Senator Scott,
Laid over till Wednesday, May 7, 1913.

No. **425, S.,** and

No. **432, S.,**

Were each severally read a third time, and passed.

No. **550, A.,** and

No. **1046, A.,**

Were each severally read a third time, and concurred in.

MOTIONS.

Upon motion of Senator Culbertson,
The vote by which No. **387, S.,** was indefinitely postponed,
was reconsidered.

Upon motion of Senator Culbertson,

No. **387, S.,**

Was re-referred to the committee on Finance.

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

BILLS FOR REVISION.

Senator Monk filed one bill for revision at the chief clerk's desk.

CLERK'S REPORT.

The chief clerk records:

No. **87, S.,**

Correctly enrolled at 10:50 o'clock a. m.

No. **258, S.,**

Correctly enrolled at 2:35 o'clock p. m., and

No. **14, S.,**

No. **128, S.,** and

No. **269, S.,**

Correctly enrolled at 5:10 o'clock p. m.

TUESDAY, May 6, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. F. R. Harding.

The roll was called and the following senators answered to their names:

Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Snover, Tomkins, True, Weissleder, White, and Zophy—23.

Absent—Senators Ackley, Burke, and Weigle—3.

Absent with leave—Senators Bishop, Hoyt, Richards, Skogmo, Stevens, and Teasdale—6

The journal of yesterday was approved.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,

Leave of absence was granted to Senator Richards for this session.

Upon request of Senator Scott,

Leave of absence was granted to Senator Bishop for this session.

Upon request of Senator Tomkins,

Leave of absence was granted to Senator Skogmo for this session.

MOTIONS.

Upon motion of Senator Scott, and with unanimous consent, No. 464, S., was recalled from the special committee on Insurance and re-referred to the committee on Finance.

PETITIONS.

- 595, S. By Senator A. E. Martin. To committee on State Affairs.
- 596, S. By Senator Weissleder. To committee on State Affairs.
- 597, S. By Senator Bichler. To committee on State Affairs.
- 598, S. By Senator Kellogg. To committee on State Affairs.
- 599, S. By Senator Richards. To committee on State Affairs.
-

EXECUTIVE COMMUNICATION CONSIDERED.

11, S.
 Motion of Senator White, and with unanimous consent,
 by which No. **11, S.**, was passed, was reconsidered.
 Motion of Senator White,
11, S.,
 definitely postponed.

13, S.
 Motion of Senator Perry,
 over until Thursday, May 8, 1913.

12, S.
 Motion of Senator Scott,
 over until Tuesday, May 13, 1913.

102, S.
 Motion of Senator Bosshard,
 over until Thursday, May 8, 1913.

MESSAGE FROM THE ASSEMBLY.

E. SHAFFER, chief clerk thereof.

IDENT:

directed to inform you that the assembly has concurred in
 nt No. 1, S., to

1, A.,
14, A.,
12, A.,
13, A.

red in
 ute amendment No. 1, S., to No. **172, A.**

and asks concurrence in,
18, A.,
32, A.,

No. **837, A.**,

No. **921, A.**,

No. **949, A.**,

No. **1019, A.**

Concurred in

No. **244, S.**, and

No. **263, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **148, A.** To committee on State Affairs.

No. **232, A.** To committee on Corporations.

No. **837, A.** To committee on Judiciary.

No. **921, A.** To committee on Corporations.

No. **949, A.** To committee on Corporations.

No. **1019, A.** To committee on State Affairs.

No. **799, A.**

The senate agrees to a committee of conference.

No. **1018, A.**

Upon motion of Senator White, and with unanimous consent,
The vote by which No. **1018, A.**, was non-concurred in, was re-considered.

Upon motion of Senator White,

No. **1018, A.**,

Was re-referred to the committee on State Affairs.

RESOLUTIONS CONSIDERED.

Res. No. 22, S.,

Was indefinitely postponed.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **101, S.**

Substitute amendment No. 1, S., adopted.

No. **101, S.**, as amended,

Was ordered engrossed, and read a third time.

Upon motion of Senator Bosshard, and with unanimous consent,

All rules interfering were suspended, and

No. **101, S.**,

Was placed upon its final passage at this time.

No. **101, S.**,

A bill to amend subsection 1 of section 1421—9, subsection 2 of

1—11, and subsection 4 of section 1421—14 of the relating to county institutions for the care of persons from tuberculosis in the advanced or secondary stages, for an appropriation therefor, read a third time.

Question was, Shall the bill pass?

Ayes and noes were required, and the vote was: Ayes, 21; absent or not voting, 11, as follows:

Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Scott, Snover, Tomkins, True, White, and Zophy—21.

None.

For not voting—Senators Ackley, Bishop, Burke, Glenn, Richmond, Richards, Skogmo, Stevens, Teasdale, and

The bill was passed.

S.

Question of Senator Bosshard, referred to committee on Corporations.

Second time.

S.,

read engrossed and read a third time.

S.

Bill No. 1, S., adopted.

S., as amended,

read engrossed and read a third time.

S.,

to create section 1410a—1 of the statutes, relating to the sale and disposition of food kept or preserved

Question was, Shall the bill be indefinitely postponed?

Ayes and noes were demanded, and the vote was: Ayes, 9; absent or not voting, 10, as follows:

Senators Albers, Bichler, Culbertson, Martin H. C., Monk, Snover, and Tomkins—9.

Senators Bosshard, Cunningham, Glenn, Huber, Husting, Kileen, Linley, Martin A. E., True, Weissleder, White, and

For not voting—Senators Ackley, Bishop, Burke, Hoyt, Richmond, Richards, Skogmo, Stevens, Teasdale, and Weigle—10.

The senate refused to indefinitely postpone the bill and thereupon it engrossed and read a third time.

AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

A.,

A., and

No. 1093, A.

Upon motion of Senator Bosshard, and with unanimous consent,

Were laid over till Wednesday, May 7, 1913.

Read a second time.

No. 454, A.

Substitute amendment No. 1, S., adopted.

No. 454, A., as amended,
Was ordered to a third reading.

No. 762, A.,

Was ordered to a third reading.

No. 1063, A.

Upon motion of Senator Biehler,

Was laid over until Thursday, May 8, 1913.

No. 292, A.

Upon motion of Senator Zophy, and with unanimous consent,
Laid over till Wednesday, May 7, 1913.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. 12, S.,

A bill to amend subsection 2 of section 1498 of the statutes, relating to the salary of the state fish and game warden, and making an appropriation therefor.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, 2; absent or not voting, 10, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Scott, Snover, Tomkins, True, Weissleder, White, and Zophy—20.

Noes—Senators Husting, and Linley—2.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Randolph, Richards, Skogmo, Stevens, Teasdale, and Weigle—10.
And so the bill was passed.

No. 414, S.,

A bill to appropriate a sum of money therein named to S. P. Richtman,

Was read a third time,

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 1; absent or not voting, 10, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Linley, Martin A. E.,

C., Monk, Perry, Scott, Snover, Tomkins, True, White, and Zophy—21.

Senator Kileen—1.

Not voting—Senators Ackley, Bishop, Burke, Hoyt, Richards, Skogmo, Stevens, Teasdale, and Weigle

The bill was passed.

S.,
S., and
S.,
severally read a third time, and passed.

A., and
A.,
severally read a third time, and concurred in.

MOTION.

Tomkins asked unanimous consent to recall No. **722**,
the assembly.

Zophy objected.

Tomkins moved that the senate request the assembly to
722, S., for amendment.

Ayes and noes were demanded, and the vote was: Ayes, 8;
present or not voting, 9, as follows:

Senators Albers, Bichler, Kellogg, Martin A. E., Perry,
Tomkins, and Weissleder—8.

Senators Bosshard, Culbertson, Cunningham, Glenn,
Hoyt, Kileen, Linley, Martin H. C., Monk, Randolph,
Stevens, White, and Zophy—15.

Not voting—Senators Ackley, Bishop, Burke, Hoyt,
Skogmo, Stevens, Teasdale, and Weigle—9.

The senate refused to recall the bill.

ADJOURNMENT.

Session of Senator Scott,
The senate adjourned.

CLERK'S REPORT.

The clerk records:

S.,
S.,
S.,
enrolled at 11:05 o'clock a. m., and
S.,
engrossed.

WEDNESDAY, MAY 7, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. F. R. Harding.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—32.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Weissleder after this session, until Tuesday, May 13, 1913.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Culbertson,

Jt. Res. No. 41, S.,

Was recalled from the committee on Judiciary and withdrawn.

PETITIONS.

Pet. No. 600, S. By Senator A. E. Martin. To committee on State Affairs.

Pet. No. 601, S. By Senator Weigle. To committee on State Affairs.

Pet. No. 602 S. By Senator Bichler. To committee on State Affairs.

- 603, S. By Senator Bichler. To committee on State Affairs.
- 604, S. By Senator Bichler. To committee on State Affairs.
- 605, S. By Senator A. E. Martin. To committee on State Affairs.
- 606, S. By Senator Cunningham. To committee on State Affairs.
- 607, S. By Senator Husting. To committee on State Affairs.
- 608, S. By Senator Husting. To committee on State Affairs.
- 609, S. By Senator Husting. To committee on Education and Public Welfare.

COMMUNICATION TO THE SENATE.

MAY 7, 1913.

CLERK, *Senate,*
Madison, Wis.

Sir: In compliance with the provisions of Joint Resolution 5, S., I am transmitting herewith list of those registered as attorneys at law, as counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Bradford, Minneapolis, Minn., representing "Soo Line"
Minneapolis, Minn., upon Legislation affecting Railroads.
Crowley, Jr., 1116—12th St., Superior, representing People's Telephone Company, Superior, upon General Telephone Legislation.

Fishbach, 2702 Highland Blvd., Milwaukee, representing Milwaukee upon Excise and Sanitation.

Hansen, Rio, Wis., representing Wis. Retail Hardware upon Excise Point, upon All Matters in State Affairs.

King, M. D., Tulane School of Tropical Medicine, New Orleans, La., representing Louisiana Water Rice Milling Co., New Orleans, La., upon Nos. **627, A.**, and **1169, A.**

W. Riesen, 456 Broadway, Milwaukee, representing Milwaukee upon No. **588, A.**

Randall, 1813 Dayton Ave., St. Paul, Minn., representing Peoples Telephone Co., Superior, Wis., upon all legislation affecting telephone industry.

Sebenthal, Secy., Eau Claire, representing Wis. Retail

Implement and Vehicle Dealers Assn., upon all bills on state affairs,

E. S. Scott, 561 Hyde St., San Francisco, Cal., representing Panama-Pacific Intnatl. Exposition Co., upon Panama Exposition,

Frank Turbush, 288—90 E. Water St., Milwaukee, representing himself upon No. **1169, A.**, and No. **627, A.**

F. W. Kubasta, Merrill, Wis., representing himself upon municipalities, Torrens law.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **310, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **240, A.**,

No. **268, A.**, and

No. **508, A.**,

Concurrence.

No. **464, A.**,

Non-concurrence.

Jt. Res. No. 46, S.,

Adoption.

HOWARD TEASDALE,

Chairman.

The joint committee on Finance report and recommend:

No. **491, S.**,

Passage.

G. E. SCOTT,

Chairman, Senate Committee.

R. J. NYE,

Chairman, Assembly Committee.

The committee on Judiciary report and recommend:

Jt. Res. No. 4, A.,

Jt. Res. No. 8, A.,

Jt. Res. No. 10, A.,

Jt. Res. No. 11, A., and

No. **169, A.**,

Concurrence.

Jt. Res. No. 17, A.,

Concurrence, Senator Weissleder dissenting.

Jt. Res. No. 25, A.,

Concurrence, Senator Weissleder, dissenting.

No. **1078, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **450, S.**,

Adoption of substitute amendment No. 1, S., and passage.

, A.,
 concurrence.
 No. 43, S.,
 of amendment No. 1, S., and adoption.

E. F. KILEEN,
 Chairman.

tion of Senator Tomkins,
 interfering, were suspended, with unanimous consent,

, A.,
 ed upon its concurrence at this time.

, A.,
 l a third time, and concurred in.
 tion of Senator Tomkins,
 interfering, were suspended, with unanimous consent,

, A.,
 ured messaged to the assembly at once.

mittee on Corporations report and recommend:

S.,
 S., and
 t, S.,
 e postponement.
 S.,

, S., and
 S.,
 recommendation.

, A.,
 S., A.,
 S., A.,
 S., A.,
 S., A., and
 S., A.,

ence.
 S., A.,
 concurrence.
 S., A.,
 concurrence.

S., A.,
 n of amendment No. 1, S., and concurrence.
 S., A.,
 n of substitute amendment No. 1, S., and concurrence.
 S., A.,
 n of amendment No. 1, S., and concurrence.

43—S. J.

No. **881, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **1009, A.,**

Adoption of amendment No. 1, S., and concurrence.

OTTO BOSSHARD,

Chairman.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **164, S.**

Upon motion of Senator Bosshard,

Laid over until Wednesday, May 14, 1913.

No. **390, S.,**

A bill to appropriate the sum of four hundred dollars for the purpose of remounting cannon at Camp Randall,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 30; noes, none; absent or not voting, 2, as follows:

Ayes—Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White and Zophy—30.

Noes—None.

Absent or not voting—Senators Ackley and Glenn—2.

And so the bill was passed.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed and asks concurrence in,

No. **66, A.,**

No. **296, A.,**

No. **306, A.,**

No. **641, A.,**

No. **712, A.,**

No. **718, A.,**

No. **771, A.,**

No. **884, A.,**

No. **906, A.,**

No. **907, A.,**

No. **952, A.,**

No. **958, A.,**

No. **1058, A.,**

No. **1102, A.,** and

No. **1124, A.,**

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

No. **784, A.,**

No. **855, A.,**

No. **973, A.,** and

No. **1067, A.**

Has passed, and asks concurrence in,

No. **361, A.,**

No. **383, A.,**

No. **719, A.**

No. **756, A.,**

No. **853, A.,**

No. **904, A.,**

No. **1040, A.,**

No. **1061, A.**

No. **1127, A.,**

No. **1131, A.,**

No. **1140, A.,**

No. **1141, A.,**

No. **1142, A.,**

No. **1148, A.,**

No. **1149, A.,**

No. **1153, A.,**

No. **1161, A.,**

No. **1162, A.,**

No. **1165, A.,**

No. **1170, A.,** and

No. **1171, A.**

Has adopted, and asks concurrence in,

Jt. Res. No. 60, A.,

Jt. Res. No. 66, A., and

Jt. Res. No. 73, A.

Has concurred in

No. **443, S.**

Has non-concurred in

No. **199, S.,** and

No. **373, S.**

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 72, A.,

Jt. Res. No. 74, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 72, A. Concurred in.

Jt. Res. No. 74, A. Concurred in by a unanimous rising vote.

Read first time and referred.

No. **66, A.** To calendar.

No. **296, A.** To committee on Education and Public Welfare.

No. **306, A.** To calendar.

No. **641, A.** To committee on Education and Public Welfare.

No. **712, A.** To calendar.

No. **718, A.** To committee on Education and Public Welfare.

No. **771, A.** To special committee on Conservation.

No. **884, A.** To special committee on Conservation.

No. **906, A.** To calendar.

No. **907, A.** To calendar.

No. **952, A.** To committee on Corporations.

No. **958, A.,** To committee on Corporations.

No. **1058, A.** To committee on Corporations.

No. **1102, A.** To committee on State Affairs.

No. **1124, A.** To committee on State Affairs.

No. **361, A.** To committee on Corporations.

No. **383, A.** To committee on Judiciary.

No. **719, A.** To committee on Education and Public Welfare.

No. **756, A.** To committee on Judiciary.

No. **853, A.** To committee on Education and Public Welfare.

No. **904, A.** To calendar.

No. **1040, A.** To committee on Judiciary.

No. **1061, A.** To committee on Judiciary.

No. **1127, A.** To committee on State Affairs.

No. **1131, A.** To committee on Corporations.

No. **1140, A.** To committee on Corporations.

No. **1141, A.** To calendar.

No. **1142, A.** To committee on Education and Public Welfare.

No. **1148, A.** To committee on State Affairs.

No. **1149, A.** To committee on State Affairs.

No. **1153, A.** To committee on Judiciary.

No. **1161, A.** To committee on State Affairs.

No. **1162, A.** To committee on Judiciary.

No. **1165, A.** To committee on Judiciary.

No. **1170, A.** To committee on Judiciary.

- A.** To committee on Judiciary.
 Co. 60., **A.** To committee on Finance.
 Co. 66, **A.** To special committee on Conservation.
 Co. 73, **A.** Concurred in.

A.
 on of Senator Husting,
 until Friday, May 9, 1913.

RESOLUTIONS CONSIDERED.

Co. 46, S.,
 an amendment to the constitution of the United
 States to popular election of United States senators.
 Test of Senator Husting,
 interfering were suspended with unanimous consent,

Co. 46, S.,
 and upon its final adoption at this time.

Co. 46, S.,
 a third time.

on was, Shall the resolution be adopted?

and noes were required, and the vote was: Ayes, 32;
 absent or not voting, none, as follows:

ators Ackley, Albers, Bichler, Bishop, Bosshard,
 ertson, Cunningham, Glenn, Hoyt, Huber, Husting,
 leen, Linley, Martin A. E., Martin H. C., Monk,
 dolf, Richards, Scott, Skogmo, Snover, Stevens,
 mkins, True, Weigle, Weissleder, White, and Zophy

ne.

e resolution was adopted.

ion of Senator Husting,
 interfering were suspended with unanimous consent,

Co. 46, S.,
 ed messaged to the assembly at once.

RESOLUTIONS READY FOR ENGROSSMENT.

S.
 ion of Senator Teasdale,
 until Friday, May 9, 1913.

nd time.

S.,

S., and

S.,

a severally ordered engrossed and read a third time.

No. 460, S.

Amendment No. 1, S., adopted.

Senator Bichler offered substitute amendment No. 2, S., and the bill, with pending amendment, was laid over under the rules.

No. 467, S.

Substitute amendment No. 1, S., adopted.

No. 467, S., as amended,

Was ordered engrossed and read a third time.

No. 486, S., and

No. 488, S.

Upon motion of Senator Scott,

Re-referred to committee on Finance.

No. 131, S.

Upon motion of Senator Teasdale,

Placed at foot of calendar.

No. 316, S.

Was indefinitely postponed.

Jt. Res. No. 8, S.

Upon motion of Senator Zophy,

Laid over until Wednesday, May 21, 1913.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

Read second time.

No. 187, A.

Amendment No. 1, S., refused adoption.

Amendment No. 2, S., adopted.

Amendment No. 3, S., adopted.

No. 187, A., as amended,

Was ordered to a third reading.

No. 187, A.

Senator Bosshard asked unanimous consent that all rules interfering be suspended and the bill be placed upon its concurrence at this time.

Senator Perry objected.

Senator Bosshard then moved that all rules interfering be suspended and the bill be placed upon its concurrence at this time.

The ayes and noes were required, and the vote was: Ayes, 24; noes, 4; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustig, Kellogg, Kileen, Linley, Martin H. C., Monk, Scott, Skogmo, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—24.

Noes—Senators Albers, Martin A. E., Perry, and Snover—4.

Absent or not voting—Senators Ackley, Randolph, Richards, and Teasdale—4.

And so the rules were suspended.

No. **187, A.**,

Was read a third time, and concurred in.

Upon motion of Senator Bosshard,

All rules interfering were suspended, with unanimous consent, and No. **187, A.**, was ordered messaged to the assembly at once.

No. **367, A.**,

No. **426, A.**,

No. **564, A.**,

No. **664, A.**,

No. **758, A.**,

No. **910, A.**,

No. **1041, A.**

No. **1068, A.**,

No. **1083, A.**, and

No. **1137, A.**,

Were each severally ordered to a third reading.

No. **1068, A.**

Upon motion of Senator Kileen,

All rules interfering were suspended with unanimous consent, and No. **1068, A.**, was placed upon its concurrence at this time.

No. **1068, A.**,

Was read a third time, and concurred in.

No. **750, A.**

Amendment No. 1, S., adopted.

No. **750, A.**, as amended.

Was ordered to a third reading.

Jt. Res. No. 52, A., and

Jt. Res. No. 63, A.,

Were each severally ordered to a third reading.

No. **449, A.**,

No. **694, A.**, and

No. **1093, A.**

Upon motion of Senator Bosshard,

Placed at the foot of the calendar.

RECESS.

Senator Zophy moved that the senate take a recess until 7:30 o'clock p. m.

The ayes and noes were demanded, and the vote was: Ayes, 17; noes, 14; absent or not voting, 1, as follows:

Ayes—Senators Bishop, Bosshard, Burke, Cunningham, Hoyt, Huber, Husting, Linley, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, True, and Zophy—17.

Noes—Senators Albers, Bichler, Culbertson, Glenn, Kellogg, Kileen, Martin H. C., Perry, Snover, Stevens, Tomkins, Weigle, Weissleder, and White—14.

Absent or not voting—Senator Ackley—1.

CLERK'S REPORT.

The chief clerk records:

No. **401, S.**,

No. **406, S.**,

No. **342, S.**,

Correctly enrolled at 12:05 p. m., and

No. **467, S.**,

Correctly engrossed.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

No. **299, A.**, and

No. **950, A.**,

Were each severally non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **189, S.**

Upon motion of Senator Huber,

Laid over till Tuesday, May 13, 1913.

No. **247, S.**,

A bill to create section 392em—12 of the statutes, relating to a pharmaceutical experiment station at the state university and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 25; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Perry, Randolph, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and White—25.

Noes—None.

Absent or not voting—Senators Glenn, Linley, Martin H. C., Monk, Scott, Weissleder, and Zophy—7.

And so the bill was passed.

PLACED AT FOOT OF CALENDAR.

131, S.

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted.

Ayes and noes were demanded, and the vote was: Ayes, 10; 18; absent or not voting, 4, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Cunningham, Kellogg, Richards, Snover, and Teasdale—10.

—Senators Bosshard, Culbertson, Glenn, Hoyt, Huber, Martin A. E., Martin H. C., Monk, Perry, Randolph, Skogmo, Stevens, Tomkins, True, Weigle, and White—18.

absent or not voting—Senators Burke, Linley, Weissleder, Zophy—4.

and so the senate refused to adopt the amendment.

131, S.,

bill to repeal subdivision 10, and to amend subdivision 11, of section 1038 of the statutes, relating to the assessment of taxes, was read a third time.

The question was, Shall the bill be indefinitely postponed?

Ayes and noes were demanded, and the vote was: Ayes, 6; absent or not voting, 4, as follows:

—Senators Ackley, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, and White—22.

—Senators Albers, Bishop, Husting, Kellogg, Snover, Teasdale—6.

absent or not voting—Senators Burke, Linley, Weissleder, Zophy—4.

and so the bill was indefinitely postponed.

449, A.,

amendment No. 1, S., adopted.

Senator Kellogg offered amendment No. 2, S.,

which amendment was adopted.

449, A., was amended.

bill to detach certain territory from the town of Florence, in county of Florence, and to create therefrom the town of Long Lake, to provide for the town meeting therein and for a final settlement between said towns of Florence and Long Lake, was read a third time.

The question was, Shall the bill be ordered to a third reading?

Ayes and noes were demanded, and the vote was: Ayes, 2; absent or not voting, 3, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, and White—27.

Noes—Senators Ackley and Culbertson—2.

Absent or not voting—Senators True, Weissleder, and Zophy—3.

And so the bill was ordered to a third reading.

No. **449, A.**

Upon motion of Senator Kellogg,

All rules interfering were suspended, with unanimous consent, and No. **449, A.**, was placed upon its concurrence at this time.

No. **449, A.**,

Was read a third time, and concurred in.

Upon motion of Senator Kellogg, and with unanimous consent,

No. **449, A.**,

Was ordered messaged to the assembly at once.

No. **694, A.**, and

No. **1093, A.**,

Were each severally ordered to a third reading.

Upon motion of Senator Skogmo,

All rules interfering, were suspended, with unanimous consent, and

No. **1093, A.**,

Was placed upon its concurrence at this time.

No. **1093, A.**,

Was read a third time, and concurred in.

No. **292, A.**

Senator Richards offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 5; noes, 23; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Linley, Martin A. E., Randolph, and Richards—5.

Noes—Senators Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, and White—23.

Absent or not voting—Senators Cunningham, True, Weissleder, and Zophy—4.

And so the senate refused to adopt the amendment

No. **292, A.**,

Was non-concurred in.

MOTIONS.

Upon motion of Senator Perry, and with unanimous consent,

All rules interfering, were suspended, and

The vote by which No. **232, S.**, was indefinitely postponed, was reconsidered.

Upon motion of Senator Perry,

No. **232, S.**,

Was re-referred to the committee on Corporations.

Senator Linley moved that the vote by which No. **299, A.**, was non-concurred in, be reconsidered.

Senator Ackley rose to a point of order, stating that Senator Linley was absent when the vote on No. **299, A.**, was taken and could not move a reconsideration of the vote.

The president held the point well taken.

Senator Bosshard moved that the vote by which No. **299, A.**, was non-concurred in, be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 16; absent or not voting, 7, as follows:

Ayes—Senators Bishop, Bosshard, Cunningham, Glenn, Hustling, Linley, Monk, Skogmo, and Tomkins—9.

Noes—Senators Ackley, Albers, Bichler, Burke, Culbertson, Hoyt, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Scott, Snover, Teasdale, Weigle, and White—16.

Absent or not voting—Senators Huber, Randolph, Richards, Stevens, True, Weissleder and Zophy—7.

And so the senate refused to reconsider the vote.

COMMITTEE REPORT.

The committee on Education and Public Welfare report and recommend:

No. **83, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **228, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **51, A.**,

No. **519, A.**,

No. **444, A.**,

No. **797, A.**,

No. **817, A.**,

No. **889, A.**,

Concurrence.

HOWARD TEASDALE,

Chairman.

No. **83, S.**,

Was re-referred to committee on Finance under the rules.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in

Jt. Res. No. 46, S.

Has adopted, and asks concurrence in,

Jt. Res. No. 75, A.,

Jt. Res. No. 76, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 75, A.

Read first time and referred to committee on State Affairs.

Jt. Res. No. 76, A., was concurred in.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

CLERK'S REPORT.

The chief clerk records:

No. **396, S.,**

Jt. Res. No. 46, S.,

No. **193, S.,**

Correctly enrolled at 8:00 o'clock p. m.

BILLS FOR REVISION.

The committee on Judiciary filed one bill for revision at the chief clerk's desk.

THURSDAY, MAY 8, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. F. R. Harding.

The roll was called, and the following senators answered to their names:

Senators Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—29.

Absent—Senators Ackley and Randolph—2.

Absent with leave—Senator Weissleder—1.

The journal of yesterday was approved.

PETITIONS.

Pet. No. 610, S. By Senator Bishop. To committee on State Affairs.

Pet. No. 611, S. By Senator Kellogg. To committee on State Affairs.

Pet. No. 612, S. By Senator Hustling. To committee on State Affairs.

Pet. No. 613, S. By Senator Albers. To committee on State Affairs.

Pet. No. 614, S. By Senator Richards. To committee on State Affairs.

Pet. No. 615, S. By Senator Monk. To committee on State Affairs.

Pet. No. 616, S. By Senator Linley. To committee on Corporations.

Pet. No. 617, S. By Senator Linley. To committee on Corporations.

COMMITTEE REPORTS.

The special committee on Highways report and recommend:
No. **53, S.**,
Adoption of substitute amendment No. 1, S., and passage.
No. **383, S.**,
Indefinite postponement.

TIMOTHY BURKE,
Chairman.

The committee on Judiciary report and recommend: *
No. **461, S.**,
No. **471, S.**,
No. **476, S.**,
No. **477, S.**, and
No. **483, S.**,
Passage.
No. **145, A.**,
Concurrence.
No. **473, S.**,
Adoption of amendment No. 1, S., and passage.
No. **241, A.**, and
No. **272, A.**,
Non-concurrence.
No. **458, S.**, and
No. **475, S.**,
Indefinite postponement.
No. **472, S.**,
Indefinite postponement, Senator Linley dissenting.

E. F. KILEEN,
Chairman.

The joint committee on Finance report and recommend:
No. **167, S.**,
Indefinite postponement.
No. **259, S.**,
Indefinite postponement, Mr. Nye dissenting.
No. **444, S.**,
Passage, Mr. Roessler dissenting.
No. **145, S.**,
No. **256, S.**,
No. **462, S.**, and
No. **464, S.**,
Passage.

G. E. SCOTT,
Chairman, Senate Committee,
R. J. NYE,
Chairman, Assembly Committee.

e committee on Corporations report and recommend:
 . **171, S.**,
 option of substitute amendment No. 1, S., and passage.
 . **285, S.**,
 option of substitute amendment No. 1, S., and passage.
 . **536, A.**,
 n-concurrence.
 . **613, A.**,
 option of amendment No. 1, S., and concurrence.
 . **208, A.**,
 . **428, A.**,
 . **654, A.**,
 . **665, A.**, and
 . **672, A.**,
 ncurrence.
 . **753, A.**,
 ncurrence, Senator Bosshard dissenting.
 . **783, A.**,
 . **791, A.**, and
 . **813, A.**,
 ncurrence.

OTTO BOSSHARD,
 Chairman.

EXECUTIVE COMMUNICATIONS CONSIDERED.

. **133, S.**
 on motion of Senator Scott,
 aced at foot of calendar.
 . **392, S.**
 on motion of Senator Bosshard,
 id over until Wednesday, May 14, 1913.

MESSAGE FROM THE ASSEMBLY.

C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

m directed to inform you that the assembly has adopted, and
 concurrence in,
 Res No. 39, A.,
 Res. No. 77, A.

ncurred in
 endment No. 1, S., to No. **764, A.**

Concurred in

No. **47, S.**,

No. **225, S.**, and

No. **322, S.**

Concurred in substitute amendment No. 2, S., and concurred as amended,

No. **153, S.**

Non-concurred in

No. **125, S.**,

No. **197, S.**,

No. **220, S.**,

No. **302, S.**, and

No. **413, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 39, A.

Read first time and referred to committee on Corporations.

Jt. Res. No. 77, A., concurred in.

No. **13, S.**

Amendment No. 1, A., concurred in.

The chief clerk, under rule 32, corrected amendment No. 1, to amendment No. 1, S., to No. **332, S.**, to read as follows:

“Amend amendment No. 1, S., to No. **332, S.**, by striking out all of lines 12 and 13 and the words ‘council, to’ in line 1 and inserting in lieu thereof the following: ‘The town board of any town, trustees of any village, or common council of any city or village, by resolution adopted by a majority of the members-elect’.

Further amend the amendment by striking out the words ‘Whenever any refund is made un-’ in line 35 and all of lines 36, 37 and 38.”

MOTIONS CONSIDERED.

No. **332, S.**

Senator Bichler moved to lay the bill over until Tuesday, May 13, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 11; noes, 11; absent or not voting, 3, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Cunningham, Glenn, Hoyt, Hustung, Kellogg, Linley, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, White and Zophy—18.

Noes—Senators Bosshard, Culbertson, Huber, Kileen, Martin H. C., Monk, Scott, Skogmo, Tomkins, True, and Weigle—11.

Absent or not voting—Senators Ackley, Randolph, and Weisleder—3.

And so the bill was laid over.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.**No. 280, S.**

Substitute amendment No. 1, S., adopted.

No. 280, S.,

A bill to create subsection 7 of section 1087m—10 of the statutes, relating to the duties of assessors of incomes.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 15; noes, 14; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Culbertson, Hoyt, Huber, Kileen, Linley, Martin H. C., Monk, Scott, Skogmo, Stevens, Tomkins, True, Weigle, and White—15.

Noes—Senators Albers, Bichler, Bishop, Burke, Cunningham, Glenn, Husting, Kellogg, Martin A. E., Perry, Richards, Snover, Teasdale, and Zophy—14.

Absent or not voting—Senators Ackley, Randolph, and Weissleder—3.

And so the bill was indefinitely postponed.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.****No. 1063, A.**

Senator Skogmo moved that the bill be non-concurred in,
Which motion prevailed.

No. 27, A.,

A bill to repeal sections 3964 and 3965 of the statutes, and to create two new sections of the statutes to be numbered sections 3964 and 3965, relating to guardianship of minors.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 15; noes, 12; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bishop, Burke, Glenn, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Richards, Snover, Tomkins, Weigle, and White—15.

Noes—Senators Bosshard, Culbertson, Cunningham, Hoyt, Huber, Linley, Monk, Scott, Skogmo, Teasdale, True, and Zophy—12.

Absent or not voting—Senators Ackley, Bichler, Randolph, Stevens, and Weissleder—5.

And so the bill was non-concurred in.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.****No. 119, S.**

Senator A. E. Martin, with unanimous consent, offered amendment No. 1, S.

MOTIONS.

Upon request of Senator Bosshard,

All rules interfering, were suspended with unanimous consent and the calendar for Friday, May 9, 1913, was ordered taken up after the recess at 7:30 o'clock p. m. today.

Upon request of Senator Zophy, and with unanimous consent
No. **279, S.**,

Was recalled from the committee on Corporations and drawn.

RESOLUTIONS INTRODUCED.

Read first time and referred.

Jt. Res. No. 47, S. By Senator Zophy. To committee on Corporations.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Cunningham Monday, May 12, and to Senator Culbertson until Wednesday 14, 1913.

RECESS.

Upon motion of Senator Husting,

The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

Jt. Res. No. 18, S.,

No. **255, S.**,

No. **407, S.**,

Correctly enrolled at 12:20 o'clock p. m.

7:30 O'CLOCK P.

The senate was called to order by the president.

Upon motion of Senator Monk, and with unanimous consent Rule 11 was suspended.

9, S.

motion of Senator Perry,
er until Tuesday, May 13, 1913.

5, S., and

7, S.,

ach severally read a third time, and passed.

4, A., and

2, A.,

ach severally read a third time, and concurred in.

PLACED AT FOOT OF CALENDAR.

3, S.

motion of Senator Teasdale, and with unanimous consent,
te by which No. **133, S.**, was passed, was reconsidered.
e Teasdale, with unanimons consent, offered substitute
nt No. 2, S.

3, S., and pending amendment,
er under the rules.

MOTIONS.

r Bosshard moved that the vote by which No. **950, A.**,
ncurred in, be reconsidered, and that the motion lie over
nesday, May 14, 1913.

motion prevailed.

r Glenn moved that the vote by which No. **27, A.**, was
urred in, be reconsidered, and that the motion lie over
nesday, May 14, 1913,

motion prevailed.

motion of Senator Tomkins, and with unanimous consent,
51, S.,

-referred to the committee on Judiciary.

COMMITTEE REPORTS.

committee on Education and Public Welfare report and rec-

38, S.,

on of amendment No. 1, S., and passage.

3, S.,

e.

6, A.,

ncurrence.

7, A.,

8, A.,

0, A., and

No. **749, A.**,

Concurrence.

No. **741, A.**,

Adoption of amendment No. 1, S., and concurrence.

HOWARD TEASDALE,

Chairman

The special committee on Insurance report and recommendation.

No. **433, S.**,

Passage.

No. **463, S.**,

Adoption of amendment No. 1, S., passage.

G. E. SCOTT,

Chairman

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate.

I return herewith, without approval, bill No. **410, S.**, entitled
 "An act to amend subsection 5 of section 4560a—40 of the
 statutes, relating to the use of nets, seines, or set hooks for
 taking fish, and granting license therefor".

Section 4560a—40, consisting of ten subsections providing
 the issuance by the state fish and game warden of licenses
 permits to fish in the waters of Lake Superior, Lake Michigan,
 Green Bay, and Fox River below the dam at Depere, with
 seines and set lines, prescribes the form of the application for
 licenses, fixes the amount of the license fee and its disposition,
 and the penalty for violation of the law.

The waters designated in this section are specifically defined
 classified in the fish and game laws as "outlying waters."
 4560a, Wis. Stats. The proposed amendment of section 4560a—
 40 contained in this bill provides that "no such license or permit
 shall be issued or granted to any person, firm or corporation
 residing within this state "to fish in inland lakes." That
 undertakes to provide that the state fish and game warden
 not issue a license or permit to fish with nets, seines, or seines
 in the inland lakes of the state under the authority of a statute
 which does not pretend to authorize the issuance of any license
 license or permit, but relates only to outlying waters.

The only effect of this proposed amendment is to render
 what meaningless a statute that is now definite, clear and correct.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor

May 8, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:
I am directed so inform you that the assembly has adopted,
and ask its concurrence in,
Res. No. 78, A.

ASSEMBLY MESSAGE CONSIDERED.

Res. No. 78, A. Concurred in.

816, A.

motion of Senator Bosshard,
over until Wednesday, May 14, 1913.

CALENDAR FOR FRIDAY, MAY 9, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. 21, S.

motion of Senator Perry,
referred to committee on Finance.

No. 123, S.,

as ordered engrossed and read a third time.

upon motion of Senator Bosshard, and with unanimous consent,
the vote by which No. **123, S.**, was ordered engrossed and
a third time, was reconsidered.

No. 123, S.

Senator Bosshard offered substitute amendment No. 1, S.

No. 123, S., with pending amendment,

laid over under the rules.

No. 192, S.

Senator Ackley offered amendment No. 1, S., to substitute
amendment No. 1, S.

Which amendment was adopted.

No. 192, S., as amended,

Upon motion of Senator Bosshard,
laid over until Tuesday, May 13, 1913.

No. 228, S.

Substitute amendment No. 1, S., adopted.

No. 228, S., as amended,

Was ordered engrossed and read a third time.

No. 310, S.

Substitute amendment No. 1, S., adopted.

No. 310, S., as amended,

Was ordered engrossed and read a third time.

No. 318, S.

Senator Zophy offered amendment No. 1, S.,
Which amendment was adopted.

No. 318, S., as amended,

Was ordered engrossed and read a third time.

Read second time.

No. 450, S.

Substitute amendment No. 1, S., adopted.

No. 450, S., as amended,

Was ordered engrossed and read a third time.

No. 460, S.

Substitute amendment No. 2, S., adopted.

No. 460, S., as amended,

Was ordered engrossed and read a third time.

No. 491, S.,

Was ordered engrossed and read a third time.

Jt. Res. No. 43, S.

Amendment No. 1, S., adopted.

Senator Burke moved that the joint resolution be indefinitely postponed.

Jt. Res. No. 43, S.,

Relating to code practice.

The question was, Shall the joint resolution be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes—noes, 9; absent or not voting, 15, as follows:

Ayes—Senators Albers, Bichler, Burke, Glenn, Huber, Huling, Kileen, and Martin H. C.—8.

Noes—Senators Ackley, Bishop, Bosshard, Linley, Moskogmo, Teasdale, White, and Zophy—9.

Absent or not voting—Senators Culbertson, Cunningham, Ho Kellogg, Martin A. E., Perry, Randolph, Richards, Scott, Snow Stevens, Tomkins, True, Weigle, and Weissleder—15.

And so the senate refused to indefinitely postpone the resolution and thereby ordering it engrossed and read a third time.

No. 50, S.

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

Division was called for, and the amendment was refused adoption.

Senator Teasdale asked unanimous consent that No. 50, S., be placed at the foot of the calendar.

Senator Bishop objected.

Senator Teasdale moved that No. 50, S., be placed at the foot of the calendar.

The ayes and noes were demanded, and the vote was: Ayes—noes, 11; absent or not voting, 12, as follows:

Senators Albers, Glenn, Linley, Martin H. C., Monk, Teasdale, True, and Zophy—9.

Senators Ackley, Bichler, Bishop, Bosshard, Burke, Husting, Scott, Skogmo, Tomkins, and White—11.

For not voting—Senators Culbertson, Cunningham, Hoyt, Kileen, Martin A. E., Randolph, Richards, Snover, Veigle, and Weissleder—12.

The senate refused to place the bill at foot of the cal-

S.,
definitely postponed.

S., and

A. S.,
each severally indefinitely postponed.

AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Second time.

A.,
2, A.,
0, A.,
8, A.,
4, A.,
5, A.,
3, A.,
9, A.,
2, A.,
5, A.,
7, A.,
7, A.,
0, A.,
9, A.,
6, A.,
7, A., and
5, A.

Each severally ordered to a third reading.

6, A.,
to create section 2394—72 of the statutes, to direct the
commission to establish a system of direct marketing,
and an appropriation.

Question was, Shall the bill be ordered to a third reading?

Ayes and noes were demanded, and the vote was: Ayes, 16;
absent or not voting, 11, as follows:

Senators Ackley, Bosshard, Burke, Glenn, Hoyt, Huber,
Martin H. C., Monk, Scott, Skogmo, Teasdale, Tomkins,
White, and Zophy—16.

Senators Albers, Bichler, Bishop, Husting, and Perry

Absent or not voting—Senator Culbertson, Cunn
Kellogg, Kileen, Martin A. E., Randolph, Richards,
Stevens, Weigle, and Weissleder—11.

And so the bill was ordered to a third reading.

Senator Bosshard asked unanimous consent, that
interfering be suspended, and No. **306, A.**, be placed
concurrency at this time.

Senator Ackley objected.

Senator Bosshard then moved that all rules interfering
pended, and No. **306, A.**, be placed upon its concurrency
time.

The ayes and noes were required, and the vote was: **A**
noes, 5; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bosshard, Burke, Hoyt,
Husting, Martin H. C., Monk, Scott, Skogmo, Teasdale,
kins, True, White, and Zophy—15.

Noes—Senators Ackley, Bichler, Bishop, Glenn, and P

Absent or not voting—Senators Culbertson, Cunn
Kellogg, Kileen, Linley, Martin A. E., Randolph, P
Snover, Stevens, Weigle, and Weissleder—12.

And so the rules were suspended.

No. **306, A.**,

A bill to create section 2394—72 of the statutes, to d
industrial commission to establish a system of direct ma
and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: **A**
noes, 5; absent or not voting, 12, as follows.

Ayes—Senators Ackley, Bosshard, Burke, Glenn, Hoyt,
Martin H. C., Monk, Scott, Skogmo, Teasdale, Tomkin
White, and Zophy—15.

Noes—Senators Albers, Bichler, Bishop, Husting, and
—5.

Absent or not voting—Senators Culbertson, Cunn
Kellogg, Kileen, Linley, Martin A. E., Randolph, P
Snover, Stevens, Weigle, and Weissleder—12.

And so the bill was passed.

No. **66, A.**

Senator Tomkins offered amendment No. 1, S.,

Which amendment was adopted.

No. **66, A.**, as amended,

Was ordered to a third reading.

No. **775, A.**

Amendment No. 1, S., adopted.

No. **775, A.**, as amended,

Was ordered to a third reading.

787, A.

stitute amendment No. 1, S., adopted.

787, A., as amended,
ordered to a third reading.

842, A.

ndment No. 1, S., adopted.

842, A., as amended,
ordered to a third reading.

881, A.

ndment No. 1, S., adopted.

881, A., as amended,
ordered to a third reading.

1059, A.**1141, A.**

Res. No. 4, A.,

Res. No. 8, A.,

Res. No. 10, A.,

Res. No. 11, A.,

Res. No. 17, A., and

Res. No. 25, A.,

each severally ordered to a third reading.

464, A.

814, A., and

1048, A.

each severally indefinitely postponed.

1044, A.

n motion of Senator Bosshard,
ferred to committee on Corporations.

904, A.

n motion of Senator White,
over until Tuesday, May 13, 1913.

1009, A.

ndment No. 1, S., adopted.

1009, A., as amended,
ordered to a third reading.

1078, A.

stitute amendment No. 1, S., adopted,

1078, A., as amended,
ordered to a third reading.

n motion of Senator Scott,
rules interfering, were suspended with unanimous consent,

906, A., and

907, A.,

placed upon their concurrence at this time.

906, A., and

No. **907, A.**,

Were each severally read a third time, and concurred in.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **274, S.**,

No. **470, S.**, and

No. **484, S.**,

Were each severally read a third time, and passed.

No. **467, S.**

Upon motion of Senator Tomkins,

Laid over until Tuesday, May 13, 1913.

No. **426, A.**

Upon motion of Senator H. C. Martin,

Laid over until Tuesday, May 13, 1913.

No. **367, A.**,

No. **564, A.**,

No. **664, A.**,

No. **694, A.**,

No. **750, A.**,

No. **758, A.**,

No. **910, A.**, and

No. **1041, A.**,

No. **1083, A.**,

No. **1137, A.**,

Jt. Res. No. 52, A., and

Jt. Res. No. 63, A.,

Were each severally read a third time, and concurred in.

The president appointed Senators Hoyt, Perry and Monk as committee of conference on part of the senate on No. **799, A.**

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 514, 515, 516, 519, 524, 525.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

first time and referred.

- 1, S.** (Revision No. 525). By Senator Skogmo. To committee on State Affairs.
- 5, S.** (Revision No. 524) By Committee on Judiciary. To committee on Finance.
- 3, S.** (Revision No. 516). By Senator Randolph. To committee on State Affairs.
- 7, S.** (Revision No. 515). By Senator Randolph. To committee on State Affairs.
- 3, S.** (Revision No. 514) By Senator Culbertson. To committee on Corporations.
- 9, S.** (Revision No. 519). By Senator Teasdale. To committee on Education and Public Welfare.

ADJOURNMENT.

motion of Senator Burke,
Senate adjourned.

BILLS FOR REVISION.

Special committee on Insurance filed three bills, the committee on Corporations filed one bill, and the committee on Finance filed one bill for revision at the chief clerk's desk.

FRIDAY, MAY 9,
10:00 O'CLOCK

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. F. R. Harding.

Upon motion of Senator Tomkins,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Skogmo,

The vote by which Jt. Res. No. 43, S., was ordered en-
acted and read a third time, was reconsidered, and further consid-
eration thereof laid over until Wednesday, May 14, 1913.

Upon motion of Senator Skogmo,

The vote by which No. 470, S., was passed, was recon-
sidered and further consideration thereof laid over until Wednesday
May 14, 1913.

The committee on Legislative Procedure report and rec-
ommendation for introduction bill bearing revision No. 518.

H. C. MARTIN
Chairman

The bill was read by title, and the recommendation of the
committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. 500, S. (Revision No. 518). By Senator Zopf,
committee on Corporations.

COMMUNICATION TO THE SENATE.

MAY 9, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered as legislative counsel or agents since last report.

Very truly yours,
J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Wm. J. Buergin, Jr., Madison, Wis., representing himself upon Fish and Game.

P. W. Dean, 406 LaFayette Pl., Milwaukee, representing Dr. R. H. Rice, Milwaukee, upon No. **384, A.**

J. W. Quinn, 309 State St., Madison, Wis., representing himself upon Fish and Game.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **278, S.**,

Indefinite postponement.

No. **70, A.**, and

No. **480, A.**,

Concurrence.

Jt. Res. No. 12, A., and

No. **574, A.**,

Non-concurrence.

No. **772, A.**,

Adoption of amendment No. 1, S., and concurrence.

A. PEARCE TOMKINS,

Acting Chairman.

The committee on State Affairs report and recommend:

No. **343, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **456, S.**,

Adoption of amendment No. 1, S., and passage.

No. **478, S.**,

Indefinite postponement.

No. **45, A.**,

No. **354, A.**,

No. **465, A.**, and

No. **638, A.**,

Concurrence.

No. **391, S.**,

Adoption of substitute amendment No. 1, S., and passage

No. **34, S.**,

No. **385, S.**, and

No. **430, S.**,

Indefinite postponement.

No. **305, S.**, and

No. **465, S.**,

Passage.

No. **86, A.**,

Concurrence.

No. **332, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **434, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1018, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **81, A.**,

Without recommendations.

M. F. WHITE,

Chairman

No. **434, A.**,

Re-referred to committee on Finance under the rules.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

The following bills originating in the senate, have been received, approved, and deposited in the office of the secretary of state.

No. **32, S.**

An act to amend subsection 1 of section 710 of the statutes relating to the bond of the county treasurer.

Approved April 16.

No. **37, S.**,

An act to amend sections 1498a and 1498d of the statutes, relating to fish and game wardens.

Approved April 16.

No. **61, S.**,

An act to amend section 4608v of the statutes, relating to sale of tobacco to persons under the age of sixteen years, and the use of tobacco by such persons, and providing a penalty.

Approved April 17.

No. **64, S.**,

An act to amend section 1450 of the statutes, relating to cooperatives.

Approved April 17.

No. **107, S.**,

An act to create section 4595e of the statutes, providing certain work therein named shall be a work of necessity, charity.

Approved April 16.

No. 117, S.,

An act to amend subsection 7 of section 1548 of the statutes, relating to the sale of intoxicating liquors upon, or within one mile of, state parks.

Approved April 17.

No. 129, S.,

An act to amend section 1040 of the statutes, relating to personal property.

Approved April 17.

No. 195, S.,

An act to authorize and empower the state treasurer and attorney general of Wisconsin in their discretion to waive the penalty in relation to the tax levied and assessed upon the Grand Trunk Milwaukee Car Ferry Company for the year 1909 upon payment of the principals of the tax.

Approved April 17.

No. 336, S.,

An act to amend section 1330 of the statutes, relating to encroachments upon public highways.

Approved April 17.

No. 377, S.,

An act to amend subsection 2 of section 926—125m of the statutes, relating to the vacation of public grounds, streets and alleys and parts thereof.

Approved April 18.

No. 421, S.,

An act to create section 927—19m of the statutes, to legalize certain acts of the railroad commission, and to validate bonds issued and sold by any city for the purchase of a utility.

Approved April 16.

No. 415, S.,

An act to compensate John E. McConnell, Albert H. Long, Charles A. Ingram and Walter C. Owen for expenses incurred as members of the boundary line commission appointed pursuant to joint resolution No. 72, adopted by the legislature of 1911, and making an appropriation therefor.

Approved April 18.

No. 38, S.,

An act to amend section 925m—311 of the statutes, relating to powers of councilmen under commission form of government.

Approved April 18.

No. 62, S.,

An act to repeal sections 829l, 829m and 829n of the statutes, and to amend section 827a of the statutes, relating to surveying.

Approved April 24.

No. 363, S.,

An act to create section 1470t of the statutes, relating to sale of cotton, duck or canvass or articles manufactured there and providing penalties.

Approved April 23.

No. 371, S.,

An act to create section 376p of the statutes, relating to a new edition of the reports of the adjutant general and other official state papers and documents made during and relating to the civil war, and making an appropriation.

Approved April 18.

No. 74, S.,

An act to amend sections 4, 5, 6, 8, 9, 14 and 15 of chapter 228, laws of 1898, relating to the municipal court in and for Vilas county, and to legalize the action of the board of supervisors of Vilas county.

Approved April 26.

No. 76, S.,

An act to provide for the publication of an index to the Wisconsin historical collections.

Approved April 26.

No. 173, S.,

An act to repeal section 450 of the statutes, relating to the examination of teachers and the issue to them of certificates and licenses to teach.

Approved April 26.

No. 380, S.,

An act to amend subsection 1, of section 4560a—7 of the statutes, relating to fishing through the ice on certain waters.

Approved April 23.

No. 283, S.,

An act to amend subdivision (a) of subsection 1 of section 456—44 of the statutes, relating to the use of nets in the waters of Green Bay and Fox rivers.

Approved April 26.

No. 299, S.,

An act to amend section 573b of the statutes, relating to commitment to the state public school.

Approved April 26.

No. 300, S.,

An act to amend section 4944h of the statutes, relating to commitments to the Wisconsin state reformatory.

Approved April 26.

338, S.,

act to amend section 4637 of the statutes, defining the term "time."

Passed April 23.

372, S.,

act to amend section 5, chapter 63, laws of 1895, section 6, chapter 63, laws of 1895, as amended by chapter 244, laws of 1895, and sections 8, 9, 13, 14, and 16, chapter 63, laws of 1895, relating to the municipal court of Oneida county.

Passed April 26.

374, S.,

act to amend subsection 5 of section 3950, of the statutes, relating to assignment of estates of decedents.

Passed April 25.

378, S.,

act to repeal sections 4734a, 4734b, 4734c, and 4734j, of the statutes, and to create new sections to be designated 4734a, 4734b, 4734j, and 4734n, relating to the suspension of judgments and placing defendants on probation.

Passed April 26.

413, S.,

act to create section 937d of the statutes, authorizing cities to build and maintain public buildings.

Passed April 23.

556, S.,

act to create section 3a of chapter 181, laws of 1889, relating to the selection of jurors by jury commissioners in the municipal court of Douglas county.

Passed April 26.

578, S.,

act to repeal section 3476 of the statutes, relating to the writ of habeas corpus.

Passed April 23.

594, S.,

act to amend section 2447 of the statutes, relating to change of venue in county court.

Passed April 26.

624, S.,

act to amend section 3519 of the statutes, relating to the partition of estates of infants.

Passed April 29.

659, S.,

act to amend section 20.87 of the statutes, relating to inventories and receipts from distribution in counties.

Passed April 26.

No. 187, S.,

An act to amend subsection 2 of section 435d of the relating to the use of school houses by non partisan gath citizens.

Approved April 26.

No. 203, S.,

An act to authorize the commissioners of public lands certain lands in Oneida County, belonging to the state consin.

Approved April 26.

No. 237, S.,

An act relating to the celebration of the fiftieth anniv the Battle of Gettysburg and making an appropriation.

Approved April 26.

No. 248, S.,

An act to amend sections 959—146, 959—147, 959—959—149 of the statutes, relating to boards of public land sioners.

Approved April 26.

No. 290, S.,

An act to create section 1970e of the statutes, relatin policy holders in insurance companies.

Approved May 2.

No. 271, S.,

An act to repeal sections 1945a and 1975 of the statute amend section 1900 of the statutes, relating to matters ated into policies of insurance.

Approved April 26.

No. 334, S.,

An act to amend subsection 6 of section 4560a—12 of utes, relating to closed seasons for pickerel.

Approved April 26.

No. 126, S.

An act to create subdivision (e) of subsection 2 of section the statutes, relating to fraternal benefit societies.

Approved May 3.

No. 75, S.

An act to repeal subsection 8 of section 486a of the and to amend subsections 7 and 9 of section 486a of the relating to lists of books in township libraries.

Approved May 1.

No. 177, S.

An act to amend section 3535 of the statutes, relatin disposition of surplus moneys in cases of the foreclosure gages by advertisement.

Approved May 1.

No. 296, S.,

An act to repeal sections 1906, 1906a, 1906d, 1945g, 1946, 1978g, 1978h, 1978i, 1978j, 1978k, 1978l, and 1978m of the statutes, relating to insurance.

Approved May 2.

No. 291, S.,

An act to amend subsection 2 of section 1931 of the statutes, relating to maximum amount to be carried on any single risk by town insurance companies.

Approved May 1.

No. 227, S.,

An act to amend section 1494—31, subsection 1 of section 1494—32, section 1494—32m, subdivision 2 of subsection 1 of section 1494—33, and sections 1494—34, 1494—35, 1494—36, and 1494—37, relating to stallion enrollment.

Approved May 3.

No. 212, S.,

An act to amend section 117 of the statutes, relating to the duties of revisor of statutes.

Approved May 1.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

May 9, 1913.

Senator A. E. Martin, with unanimous consent, offered amendment No. 1, S., to substitute amendment No. 1, S., to No. **123, S.**

ADJOURNMENT.

Upon motion of Senator Husting,

The senate adjourned until Monday, May 12, 1913, at 9:00 o'clock p. m.

BILLS FOR REVISION.

The committee on Corporations filed one bill and Senator B shop filed one bill for revision at the chief clerk's desk.

MONDAY, MAY 12, 1913

9:00 O'CLOCK

The senate met.

The president and president pro-tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Scott,

Senator Randolph was elected to preside for this session.

Prayer was offered by the Rev. Wm. G. Raddatz of Emmanuel Evangelical church of Madison, Wis.

The roll was called and the following senators answered to names:

Senators Ackley, Bishop, Culbertson, Cunningham, F. Hustung, Kellogg, Kileen, Monk, Randolph, Scott, Skelton, Teasdale, Tomkins, True, White, and Zophy—17.

Absent—Senators Albers, Bichler, Bosshard, Burke, C. Hoyt, Linley, Martin A. E., Martin H. C., Perry, Rich, Snover, Stevens, Weigle, and Weissleder—15.

LEAVE OF ABSENCE.

Upon request of Senator Huber,

Leave of absence was granted to Senator Glenn for this session.

Upon request of Senator Teasdale,

Leave of absence was granted to Senator Perry until Thursday, May 15, 1913.

The journal of Friday, May 9, 1913, was approved.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 48, S.,

Resolved by the senate, the assembly concurring, That the governor be requested to return to the senate, for the purpose of amending, bill No. 14, S.

By Senator Teasdale.

Adopted.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:
No. 103, S.

Rejection of amendment No. 1, S., to substitute amendment No. 2, S., and adoption of amendment No. 2, S., to substitute amendment No. 2, S., and passage; Messrs. Kneen, Roessler, Roethe, Smith and Spoor dissenting.

G. E. SCOTT,

Chairman Senate Committee.

R. J. NYE,

Chairman Assembly Committee.

MESSAGE FROM THE ASSEMBLY.

C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

Directed to inform you that the assembly has passed, and concurs in,

17, A.,
230, A.,
261, A.,
324, A.,
336, A.,
356, A.,
399, A.,
413, A.,
487, A.,
612, A.,
617, A.,
658, A.,
678, A.,
890, A.,
896, A.,
908, A.,
909, A.,
938, A.,
964, A.,
1069, A.,
1112, A.,
1119, A.,
1136, A., and
1177, A.

Has recalled from the governor, reconsidered vote, amended,
as amended. and asks concurrence in,
No. 721, A.

Has concurred in amendment No. 1, S., to
 No. **637, A.**,
 No. **697, A.**, and
 No. **981, A.**

Has concurred in
 No. **3, S.**,
 No. **22, S.**,
 No. **42, S.**,
 No. **120, S.**,
 No. **141, S.**,
 No. **149, S.**,
 No. **154, S.**,
 No. **249, S.**,
 No. **257, S.**,
 No. **346, S.**,
 No. **398, S.**,
 No. **423, S.**, and
 No. **429, S.**

Has concurred in substitute amendment No. 1, S., and
 concurred in, as amended,
 No. **170, S.**

Has amended, and concurred in, as amended,
 No. **96, S.**

Has non-concurred in
 No. **356, S.**

And has adopted, and asks concurrence in,
 Jt. Res. No. 79, A.,
 Jt. Res. No. 80, A., and
 Jt. Res. No. 81, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 79, A., concurred in.

Jt. Res. No. 80, A., concurred in.

Jt. Res. No. 81, A., concurred in.

Read first time and referred.

No. **17, A.** To committee on Education and Public Welfare.

No. **230, A.** To committee on Corporations.

No. **261, A.** To committee on Education and Public Welfare.

No. **324, A.** To calendar.

No. **336, A.** To committee on State Affairs.

No. **356, A.** To committee on State Affairs.

No. **399, A.** To committee on State Affairs.

- No. **413, A.** To committee on Education and Public Welfare.
 No. **487, A.** To special committee on Conservation.
 No. **612, A.** To committee on Corporations.
 No. **617, A.** To committee on State Affairs.
 No. **658, A.** To committee on Corporations.
 No. **678, A.** To committee on Corporations.
 No. **890, A.** To committee on State Affairs.
 No. **896, A.** To committee on State Affairs.
 No. **908, A.** To committee on Corporations.
 No. **909, A.** To committee on Corporations.
 No. **938, A.** To committee on Education and Public Welfare.
 No. **964, A.** To committee on State Affairs,
 No. **1069, A.** To special committee on Highways.
 No. **1112, A.** To committee on Education and Public Wel-
 No. **1119, A.** To committee on Judiciary.
 No. **1136, A.** To calendar.
 No. **1177, A.** To committee on State Affairs.
 No. **721, A.** To calendar.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

- No. **53, S.**
 Senator Teasdale offered amendment No. 1, S., to substitute
 amendment No. 1, S.,
 which amendment was adopted.
 Substitute amendment No. 1, S., as amended, was adopted.
 No. **53, S.,** as amended,
 Was ordered engrossed and read a third time.
 No. **123, S.**
 Amendment No. 1, S., to substitute amendment No. 1, S.,
 adopted.
 Substitute amendment No. 1, S., as amended,
 Was adopted.
 No. **123, S.,** as amended,
 Was ordered engrossed and read a third time.
 No. **145, S.,**
 Was ordered engrossed and read a third time,

No. 171, S.

Substitute amendment No. 1, S., adopted.

No. 171, S., as amended,

Was ordered engrossed and read a third time.

No. 256, S.,

Upon motion of Senator Scott,

Re-referred to committee on Finance.

No. 285, S.

Substitute amendment No. 1, S., adopted.

No. 285, S., as amended,

Was ordered engrossed and read a third time.

Read second time.

No. 463, S.

Amendment No. 1, S., adopted.

No. 463, S., as amended,

Was ordered engrossed and read a third time.

No. 468, S.

Amendment No. 1, S., adopted.

No. 468, S., as amended,

Was ordered engrossed and read a third time.

No. 473, S.

Amendment No. 1, S., adopted.

No. 473, S., as amended,

Was ordered engrossed and read a third time.

No. 433, S.,**No. 444, S.,****No. 462, S.,****No. 464, S.,****No. 471, S.,****No. 476, S.,****No. 477, S.,****No. 483, S., and****No. 493, S.,**

Were each severally ordered engrossed and read a third time.

No. 167, S.,**No. 259, S.,****No. 383, S.,****No. 458, S., and****No. 475, S.,**

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read a second time.

No. 145, A.,**No. 177, A.,****No. 208, A.,**

428, A.,**568, A.,****570, A.,****654, A.,****665, A.,****672, A.,****749, A.,****783, A.,****791, A., and****813, A.,**

e each severally ordered to a third reading.

613, A.

ndment No. 1, S., adopted.

613, A., as amended,

ordered to a third reading.

741, A.

ndment No. 1, S., adopted.

741, A., as amended,

ordered to a third reading.

272, A.,

n motion of Senator Culbertson,

laid over till Wednesday, May 14, 1913.

241, A.,**376, A., and****536, A.,**

e severally non-concurred in.

ILLS AND RESOLUTIONS READY FOR A THIRD READING.

491, S.,

n motion of Senator Scott, and with unanimous consent,

over till Tuesday, May 13, 1913.

51, A.,**112, A.,****444, A.,****485, A.,****508, A.,****519, A.,****775, A.,****785, A.,****787, A.,****797, A.,****817, A.,****820, A.,****842, A.,****881, A.,**

No. **889, A.**,
No. **995, A.**,
No. **1009, A.**,
No. **1059, A.**,
No. **1078, A.**, and
Jt. Res. No. 25, **A.**,
Were each severally read a third time and concurred in.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

CLERK'S REPORT.

The chief clerk, under rule 32, makes the following correction to bill No. **318, S.**:

Strike out the words "cities, towns or villages" where they occur in lines 19 and 20 of the printed bill and insert in lieu thereof the word "city".

The chief clerk records:

No. **228, S.**,
No. **310, S.**,
No. **318, S.**,
No. **450, S.**, and
No. **460, S.**,

Correctly engrossed, and records

Jt. Res. No. 22, **S.**,

Correctly enrolled at 2:10 o'clock p. m., Saturday, May 10, 1913.

TUESDAY, MAY 13, 1913.

10:00 O'CLOCK A. M.

Senate met.

President and president pro tempore being absent,

Senate was called to order by the chief clerk.

On motion of Senator Randolph,

Senator Teasdale was elected to preside for this session.

Prayer was offered by the Rev. Wm. G. Raddatz.

Roll was called and the following senators answered to their

names: Ackley, Albers, Bichler, Bishop, Bosshard, Burke,

Johnson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen,

Senator Martin A. E., Monk, Randolph, Richards, Scott, Skogmo,

Senator Teasdale, Tomkins, True, Weissleder, White, and Zophy

present—Senators Hoyt, Martin H. C., Snover, and Weigle—4.

Senator Perry—1.

LEAVE OF ABSENCE.

On request of Senator A. E. Martin,

leave of absence was granted to Senator Weigle for this ses-

On request of Senator Albers,

leave of absence was granted to Senator Snover for this ses-

Journal of yesterday was approved.

MOTIONS.

On motion of Senator Bosshard, and with unanimous con-

sent, all rules interfering were suspended, and

Resolution 208, A.,

Was placed upon its concurrence at this time.

No. 208, A.,

Was read a third time, and concurred in.

Upon motion of Senator Bosshard,

All rules interfering, were suspended with unanimous consent and

No. 208, A.,

Was ordered messaged to the assembly at once.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 49, S.,

Requesting the governor to return bill No. **395, S**

Resolved by the senate, the assembly concurring, That the governor be, and he is hereby requested to return to the senate bill No. **395, S.**

By Senator Kileen.

Adopted.

PETITIONS.

Pet. No. 618, S. By Senator Bichler. To committee on Affairs.

Pet. No. 619, S. By Senator Bishop. To committee on Corporations.

Pet. No. 620, S. By Senator Bosshard. To committee on Affairs.

Pet. No. 621, S. By Senator Bosshard. To committee on Corporations.

Pet. No. 622, S. By Senator Bosshard. To committee on Corporations.

Pet. No. 623, S. By Senator Bosshard. To committee on Corporations.

Pet. No. 624, S. By Senator White. To committee on Affairs.

EXECUTIVE COMMUNICATIONS.

Nomination of Clemens P. Host to be state fire marshal for the term ending January 15, 1919.

Senator Skogmo moved that the nomination be laid on the table.

The question was, Shall the nomination be laid on the table?

The ayes and noes were demanded, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6, as follows:

Ayes—Senators Bichler, Bosshard, Huber, Husting, Kileen, Monk, Randolph, Richards, Scott, Skogmo, Teasdale, White, and Zophy—14.

—Senators Ackley, Albers, Bishop, Burke, Culbertson, Ham, Kileen, Linley, Martin A. E., Stevens, Tomkins, Wessleder—12.

For or not voting—Senators Glenn, Hoyt, Martin H. C., Snover, and Weigle—6.

On the nomination was laid on the table.

72, S.

Motion of Senator Scott, over till Thursday, May 15, 1913.

10, S.

Motion of Senator Bosshard, over till Tuesday, May 20, 1913.

MESSAGE FROM THE ASSEMBLY.

E. SHAFFER, chief clerk thereof.

PRESIDENT:

Directed to inform you that the assembly has concurred in, Res. No. 48, S., and Res. No. 49, S.

And, and asks concurrence in,

156, A.,

178, A., and

179, A.

And from the governor, reconsidered vote by which passed, amended, and passed, as amended, and asks concurrence in,

101, A., and

114, A.

And in amendments No. 2, S., and No. 3, S., to

87, A.

And concurred in amendments No. 1, S., and 2, S., to

149, A.

And requests committee on conference, and has appointed as members on part of the assembly, Messrs. Anderson, Nordman and

And concurred in

11, S.,

36, S.,

57, S.,

90, S.,

108, S., and

116, S.

And, and concurred in, as amended,

52, S.

Non-concurred in
No. **110, S.**, and
No. **111, S.**

ASSEMBLY MESSAGE CONSIDERED;

Read first time and referred.

No. **656, A.** To committee on Education and Public fare.

No. **1178, A.** To committee on Judiciary.

No. **1179, A.** To committee on Judiciary.

No. **101, A.** To calendar.

No. **414, A.** To calendar.

No. **449, A.**

Upon motion of Senator Linley,

The senate agreed to the request for a committee on confer

At the request of the presiding officer,
Senator Truap took the chair.

MOTIONS FOR CONSIDERATION.

No. **332, S.**

Vote by which indefinitely postponed reconsidered.

Senator Teasdale offered substitute amendment No. 3, S.

Upon motion of Senator Skogmo,

No. **332, S.**, with pending amendment,

Was re-referred to committee on Judiciary

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **192, S.**

Upon motion of Senator Ackley,

Laid over till Thursday, May 15, 1918.

No. **305, S.**,

Was ordered engrossed and read a third time.

No. **343, S.**

Substitute amendment No. 1, S., adopted.

No. **343, S.**, as amended,

Was ordered engrossed and read a third time.

No. **391, S.**

Upon motion of Senator Bishop,

Re-referred to committee on State Affairs

Read second time.

No. **456, S.**,

Upon motion of Senator Bosshard,

Re-referred to committee on State Affairs

65, S.,

to amend section 968a and to create section 968m of the relating to removals by the governor, read a second time.

question was, Shall the bill be ordered engrossed and read a third time?

yes and noes were demanded, and the vote was: Ayes, 12; absent or not voting, 5, as follows:

—Senators Bishop, Bosshard, Huber, Kellogg, Linley, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, White, and Zophy—15.

—Senators Ackley, Albers, Bichler, Burke, Culbertson, Ham, Glenn, Husting, Kileen, Martin A. E., Tomkins, Wissleder—12.

at or not voting—Hoyt, Martin H. C., Perry, Snover, Tingle—5.

so the bill was ordered engrossed and read a third time.

74, S.

or Teasdale offered substitute amendment No. 1, S.

74, S., with pending amendment,

over, under the rules, till Thursday, May 15, 1913.

78, S.,

indefinitely postponed.

a second time.

85, S.,

130, S.,

72, S.,

each severally indefinitely postponed.

78, S.

motion of Senator Scott,

ferred to committee on State Affairs.

AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

a second time.

15, A.,

70, A.,

86, A.,

354, A.,

165, A.,

180, A.,

338, A., and

904, A.,

each severally ordered to a third reading.

31, A.

motion of Senator Bichler,

and at the foot of the calendar.

No. **332, A.**

Amendment No. 1, S., adopted.

No. **332, A.**, as amended,

Was ordered a third reading.

No. **753, A.**

Upon motion of Senator Bosshard,

Re-referred to committee on Corporations.

No. **772, A.**

Amendment No. 1, S., adopted.

No. **772, A.**, as amended,

Was ordered to a third reading.

No. **1018, A.**

Substitute amendment No. 1, S., adopted.

No. **1018, A.**, as amended,

Was ordered to a third reading.

No. **574, A.**,

Was non-concurred in.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **53, S.**,

No. **123, S.**,

No. **171, S.**,

No. **285, S.**,

No. **343, S.**,

No. **463, S.**,

No. **468, S.**, and

No. **473, S.**,

Correctly engrossed.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

Jt. Res. No. 12, A.,

Was read a second time, and non-concurred in.

ILLS AND RESOLUTIONS READY FOR THIRD READING.

19, S.

Amendment No. 1, S., adopted.
Motion of Senator Richards,
at foot of calendar.

33, S.

Amendment No. 2, S., adopted.
33, S., as amended,
read a third time, and passed.

Motion of Senator Bosshard, and with unanimous consent,
Bill was suspended for this session.

39, S.

to create section 4697m of the statutes, relating to expert
evidence on the trial of the issue raised by a special plea
of insanity,
read a third time.

Question was, Shall the bill pass?

Ayes and noes were required, and the vote was: Ayes, 22;
absent or not voting, 8, as follows:

—Senators Albers, Biehler, Bishop, Bosshard, Burke, Cul-
Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley,
Randolph, Richards, Scott, Skogmo, Teasdale, True, Weiss-
White, and Zophy—22.

—Senators Hustung and Tomkins—2.

Present or not voting—Senators Ackley, Glenn, Martin A. E.,
H. C., Perry, Snover, Stevens and Weigle—8.

So the bill was passed.

67, S.,

to authorize the commissioners of public lands to sell cer-
tains in Oneida county, belonging to the state of Wisconsin.
read a third time.

Question was, Shall the bill pass?

Ayes and noes were required, and the vote was: Ayes, 26;
none; absent or not voting, 6, as follows:

—Senators Albers, Biehler, Bishop, Bosshard, Burke,
Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg,
Linley, Martin A. E., Monk, Randolph, Richards, Scott,
Teasdale, Tomkins, True, Weissleder, White, and
Zophy—26.

—None.

Present or not voting—Senators Ackley, Martin H. C., Perry,
Stevens, and Weigle—6.

So the bill was passed.

46—S. J.

No. 491, S.,

A bill to amend section 1087m—9 of the statutes, relating to the income tax.

Was read third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 2 noes, none; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richardson, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, White, and Zophy—26.

Noes—None.

Absent or not voting—Senators Ackley, Burke, Perry, Snow, Stevens, and Weigle—6.

And so the bill was passed.

No. 66, A.,

A bill to amend section 1042j of the statutes, relating to the taxation of mineral rights.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 2 noes, 1; absent or not voting, 5, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richardson, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, White, and Zophy—26.

Noes—Senator Albers—1.

Absent or not voting—Senators Ackley, Perry, Snow, Stevens, and Weigle—5.

And so the bill was concurred in.

No. 240, A.,

A bill to create section 494a of the statutes, relating to the introduction and administration of a winter term in high schools and providing an appropriation therefor.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 2 noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richardson, Scott, Skogmo, Tomkins, True, Weissleder, White, and Zophy—25.

Noes—None.

Absent or not voting—Senators Burke, Kileen, Perry, Snow, Stevens, Teasdale, and Weigle—7.

And so the bill was concurred in.

No. 426, A.,

A bill to appropriate to the Wisconsin potato growers' association a sum of money therein named,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 5; absent or not voting, 6, as follows:

Ayes—Senators Bichler, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Tomkins, True, White, and Zophy—21.

Noes—Senators Albers, Bishop, Martin A. E., Teasdale, and Weissleder—5.

Absent or not voting—Senators Ackley, Burke, Perry, Snover, Stevens, and Weigle—6.

So the bill was concurred in.

No. 712, A.,

A bill to create a temporary commission to purchase land for purposes at the site of the first Wisconsin territorial capital at Belmont, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 27; noes, 5; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, and Zophy—27.

Noes—None.

Absent or not voting—Senators Ackley, Perry, Snover, Stevens, and Weigle—5.

So the bill was concurred in.

No. 1741, A.,

A bill to create section 14630 of the statutes, relating to state or the Oconto Falls Inter Township fair association and making an appropriation,

Was read third time.

The question was, Shall bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 28; noes, none; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, White, and Zophy—28.

Noes—None.

Absent or not voting—Senators Perry, Snover, Stevens, and Weigle—4.

And so the bill was concurred in.

Jt. Res. No. 4, A.,

A joint resolution to amend section 1 of article IV of the constitution, to give to the people the power to propose laws and to enact or reject the same at the polls, and to approve or reject at the polls any act of the legislature; and to create section 3 of article XII, of the constitution, providing for the submission of amendments to the constitution upon the petition of the people,

Was read third time.

The question was, Shall the resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 25 noes, 2; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, and White—25.

Noes—Senators Albers and Bishop—2.

Absent or not voting—Senators Perry, Snover, Stevens, Weigle and Zophy—5.

And so the resolution was concurred in.

Jt. Res. No. 8, A.,

A joint resolution to amend section 21, of article IV, of the constitution, relating to compensation of members of the legislature,

Was read a third time.

The question was, Shall resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22 noes, 4; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Burke, Culbertson, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and White—22.

Noes—Senators Albers, Bishop, Cunningham, and Weissleder—4.

Absent or not voting—Senators Perry, Richards, Snover, Stevens, Weigle, and Zophy—6.

And so the resolution was concurred in.

Jt. Res. No. 10, A.,

A joint resolution to amend article XI of the constitution, by adding thereto a new section to be known as section 8b, relating to the acquisition of land by municipalities,

Was read third time.

The question was, Shall resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 27 noes, none; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Ran-

dolph, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, White, and Zophy—27.

Noes—None.

Absent or not voting—Senators Perry, Richards, Snover, Stevens, and Weigle—5.

And so the resolution was concurred in.

Jt. Res. 11, A.,

A joint resolution to amend sections 6 and 7, of article VII, of the constitution of the state of Wisconsin, relating to circuit judges,

Was read a third time.

The question was, Shall the resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 28; noes, none: absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder White, and Zophy—28.

Noes—None.

Absent or not voting—Senators Perry, Snover, Stevens, and Weigle—4.

And so the resolution was concurred in.

Res. No. 17, A.,

Joint resolution to amend section 3 of article VIII of the constitution, relating to the loan of the credit of the state to individuals and section 6 of the same article, relating to public debt,

Was read a third time.

The question was, Shall the resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, 5; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Tomkins, True, Weissleder, White, and Zophy—23.

Noes—Senators Albers, Bichler, Bishop, Martin A. E., and Weigle—5.

Absent or not voting—Senators Perry, Snover, Stevens, and Weigle—4.

And so the resolution was concurred in.

Res. No. 119, S..

A bill to create section 1410a—1 of the statutes, relating to cold storage and the sale and disposition of food kept or preserved therein.

Senator Hoyt moved that the bill be re-referred to the committee on Education and Public Welfare.

The question was, Shall the bill be re-referred to the committee on Education and Public Welfare?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 16; absent or not voting, 6, as follows:

Ayes—Senators Hoyt, Huber, Husting, Kileen, Linley, Richards, True, Weigle, Weissleder, and Zophy—10.

Noes—Senators Albers, Bichler, Bishop, Bosshard, Culbertson, Glenn, Kellogg, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Stevens, Teasdale, Tomkins, and White—16.

Absent or not voting—Senators Ackley, Burke, Cunningham, Perry, Randolph and Snover—6.

And so the senate refused to re-refer the bill.

No. **119, S.**

Was read a third time, and refused passage.

Senator Burke moved that the nomination by the governor of Clemens P. Post to be state fire marshal be taken from the table.

The yeas and nays were demanded.

Senator Bosshard arose and proceeded to debate the question.

Senator Burke rose to a point of order that the motion was non-debatable.

The president held the point of order well taken.

Senator Bosshard rose to explain his vote.

The president held that the senator could explain his vote only at the time his name was called and his vote cast.

The vote was: Ayes 16; noes, 14; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Kileen, Martin A. E., Richards, Stevens, Tomkins, Weigle, and Weissleder—16.

Noes—Senators Bosshard, Huber, Husting, Kellogg, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, True, White and Zophy—14.

Absent or not voting—Senators Perry and Snover—2.

And so the nomination was taken from the table.

When the name of Senator Bosshard was called he arose and proceeded to explain his vote.

Senator Burke rose to a point of order that the question being non-debatable it was not in order for a member to explain his vote.

The president held that universal parliamentary practice permitted a senator at all times to explain his vote and hence the point of order was not well taken.

Senator Bosshard moved that the nomination be laid over until May 20.

The question was, Shall the nomination be laid over until May 20?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 15; absent or not voting, 2, as follows:

Ayes—Senators Bosshard, Huber, Husting, Kellogg, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, True, White, Zophy, and Mr. President—16.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cul

bertson, Cunningham, Glenn, Hoyt, Kileen, Martin A. E., Richards, Tomkins, Weigle, and Weissleder—15.

Absent or not voting—Senators Perry and Snover—2.

And so the nomination was laid over till Tuesday, May 20, 1913.

Prior to the announcement of the vote, the clerk read the names of those senators recorded voting in the affirmative, and those senators recorded voting in the negative. After the president had announced the result, Senator Stevens stated that he was recorded as voting in the affirmative but that he voted in the negative. The president held that the result had been announced and that the senator could not change his vote.

Senator Burke appealed from the decision of the chair.

The question was, Shall the decision of the chair stand as the judgment of the senate?

Ayes and noes were required, and the vote was: Ayes, 20; noes, 10; absent or not voting, 2, as follows:

Ayes—Senators Bichler, Bosshard, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Teasdale, Tomkins, True, Weigle, Weissleder, White—20.

Noes—Senators Ackley, Albers, Bishop, Burke, Culbertson, Glenn, Kileen, Martin A. E., and Stevens—10.

Absent or not voting—Senators Perry and Snover—2.

And so the decision of the chair was sustained.

EXECUTIVE COMMUNICATIONS.

(Received at 10:30 o'clock a. m.)

Honorable, the Senate:

I return herewith, for the purpose of amendment, bill No. 95, S., pursuant to the provisions of Joint Resolution No. 1, S.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

May 13, 1913.

Honorable, the Senate:

Pursuant to the provisions of Joint Resolution No. 48, S., I return herewith, for the purpose of amendment, bill No. 14, S.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

May 13, 1913.

No. 14, S.

Upon motion of Senator Teasdale, and with unanimous consent, The vote by which No. 14, S., was passed, was reconsidered.

No. 14, S.

Senator Teasdale, with unanimous consent, offered Amendment

No. 2, S.,

Which amendment was adopted.

No. **14, S.**, as amended, with unanimous consent,
Was read a third time, and passed.

No. **395, S.**

Upon motion of Senator Tomkins, and with unanimous consent,
The vote by which No. **395, S.**, was passed, was reconsidered.
No. **395, S.**,

Upon motion of Senator Tomkins,
Was re-referred to committee on Judiciary.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT,

I am directed to inform you that the assembly has ordered
returned to senate with request for roll call,

No. **206, S.**

ASSEMBLY MESSAGE CONSIDERED.

No. **206, S.**,

The chief clerk, under rule 32, corrected the title of the principal
bill by adding after the word "farm" the words "and making
appropriation".

Upon motion of Senator Burke, and with unanimous consent,
The vote by which No. **206, S.**, was passed, was reconsidered.
No. **206, S.**

Upon motion of Senator Burke,
Re-referred to committee on Finance.

The committee on Legislative Procedure report and recommend
for introduction, bills bearing the following revision numbers:

Nos. 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536.

H. C. MARTIN,
Chairman

The bills were read by title, and the recommendation of the
committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time.

No. **501, S.** (Revision No. 535). By Senator White.

Upon motion of Senator White,

All rules interfering, were suspended, and

No. **501, S.**,

Was placed upon its passage at this time.

No. **501, S.**,

A bill to amend section 1 and to create section 4 of chapter
laws of 1913, and making an appropriation,

read a third time.

Ayes and noes were required, and the vote was: Ayes, 27; none; absent or not voting, 5, as follows:

es—Senators Ackley, Albers, Bichler, Bishop, Bosshard, e, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustings, gg, Kileen, Linley, Martin A. E., Martin H. C., Monk, olph, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, e, and Zophy—27.

es—None.

sent or not voting—Senators Perry, Richards, Snover, Ste- and Weigle—5.

and so the bill was passed.

ad first time and referred.

502, S. (Revision No. 526). By Senator Ackley. To committee on Finance.

503, S. (Revision No. 527). By Committee on Finance. To committee on Finance.

504, S. (Revision No. 528). By Special Committee on Insurance. To Special committee on Insurance.

505, S. (Revision No. 529). By Special Committee on Insurance. To calendar.

506, S. (Revision No. 530). By special Committee on Insurance. To special committee on Insurance.

507, S. (Revision No. 531). By Committee on Corporations. To committee on Corporations.

508, S. (Revision No. 532). By Committee on Corporations. To committee on Corporations.

509, S. (Revision No. 533). By Senator Bishop. To committee on State Affairs.

510, S. (Revision No. 534). By Committee on Finance. To committee on Finance.

511, S. (Revision No. 536). By Committee on State Affairs. To committee on State Affairs.

RESOLUTIONS INTRODUCED.

Res. No. 50, S.,

relating to the appointment of a joint committee of the senate assembly to investigate all matters relating to the taking, propagation and conservation of fish and game and all of wild animal and bird life.

WHEREAS, The state of Wisconsin now has no natural resource on its borders of greater value or importance to all of its people than its fish and game and other forms of wild animal and bird and

WHEREAS, The song and insect and rodent eating birds of inestimable value in the destruction of noxious insects and seeds, and

WHEREAS, The destruction of the fish and game and sources of the state has increased within recent years to an alarming extent, that public welfare demands and requires intelligent and practical legislation for the purpose of conserving and protecting such natural resources, and

WHEREAS, It is further well recognized that existing legislation relating to the taking, protecting and propagating of fish and birds is largely local in its character, chaotic, unharmonious, and

WHEREAS, Other states and governments have heretofore through legislation and otherwise devoted to the subject much thought and experience and have enacted effective and practical legislation pertaining to the subject of conservation, protection and propagation of fish, game, fur bearing animals, and birds, and have evolved efficient means and methods of administration in respect thereof, and

WHEREAS, It is deemed advisable in the interest of the public welfare and a matter of sound public policy that this state should speedily as possible give and devote to this subject much thought, study and experience obtainable in order that maximum species of wild life shall be saved from extermination and served to posterity; that the agricultural and fruit growing interests of the state shall receive the greatest possible protection from the enormous damage due to vermin and noxious insects and birds; that the forests may be protected against injurious destructive insects; and that there may be secured to the sportsman of the present and future their full measure of enjoyment and recreation in the open; now, therefore,

Be it resolved by the senate, the assembly concurring That a joint committee, consisting of two members of the senate and three members of the assembly, be constituted, to be appointed respectively by the presiding officer of the senate and the presiding officer of the assembly, whose duty it shall be: to investigate carefully and intelligently all matters pertaining to fish and game and all forms of wild animal and bird life in the state of Wisconsin, particularly with respect to the haunts, habits, characteristics and their value from the standpoint of the sportsman, farmer and economic interest generally; to propose a complete revision or new codification of laws pertaining to every phase of the subject of the taking, protection, propagation and conservation of fish, game and other forms of wild animal and birds; and to that end, said committee is authorized to propose repeal, amendment or revision of any law or laws pertaining to the subject and to propose such new laws, measures and regulations and methods of enforcement and administration thereof as the committee shall deem advisable; to harmonize and make consistent such laws as now pertain to the subject and as may be

committee, with other laws pertaining to the subject affected in this state or proposed to be enacted by this committee and with laws now existing in other states under the federal government; and to propose and recommend a comprehensive scheme and plan for the protection, propagation and conservation of fish and wild animal and bird life and to propose such laws, regulations and provisions for the proper, effective and intelligent handling and administration of the same and to further such measures, bills and laws as will be conducive to the efficient, effective and economical handling and administration of all departments and all matters and things relating to game and wild animal and bird life and the taking, propagation and conservation thereof.

Further resolved, That the said committee by a majority of its members thereof is hereby invested with plenary powers to and to discharge the duties by this resolution enjoined, and the exercise of such power is authorized to meet at any point in the state where information on the subject herein involved may be obtained and to hold hearings and make investigations thereat.

Further resolved, That the said committee may, by subscription, receive over the signature of the chairman or acting chairman of the committee and served in the manner that circuit court records are served, summon and compel the attendance of witnesses and the production of all books, papers, documents and records necessary or convenient to be summoned or used by them as they may deem and may do all other things which may to them appear necessary or convenient to make full examination, study and investigation as herein directed.

Further resolved, That the said committee shall have the right to employ such counsel, experts, stenographers, clerks and assistants and to require such assistance and co-operation from the state game warden and his department or subordinates and from the department of agriculture of the university of Wisconsin and from its members or employees or subordinates thereof, as they may deem necessary.

Each member of the said committee shall have power to administer oaths to persons appearing before such committee.

Further resolved, That each member of said committee shall be reimbursed by the state for his actual necessary expenses and shall receive no compensation for time devoted to the work of the committee.

Further resolved, That such committee may exercise all powers provided by law or by this resolution at any time prior to January 1, 1915, whether during the session of the legislature or otherwise and that such committee shall with all reasonable dispatch discharge the duties hereby imposed and report to the governor before January 1, 1915 and thereafter as soon as convenient to the legislature of the state of Wisconsin, all facts found

and testimony taken by them, together with their recommendations thereon as herein provided for.

By Senator Bosshard.

Upon motion of Senator Bosshard,

Was referred to the committee on State Affairs.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:
Jt. Res. No. 33, A., and.

Jt. Res. No. 48, A.,

Concurrence.

Jt. Res. No. 50, A.,

Concurrence, Senator Burke dissenting.

No. **789, A.,**

Concurrence.

No. **919, A.,**

Adoption of amendment No. 1, S. and concurrence.

No. **920, A.,**

Adoption of amendment No. 1, S. and concurrence,

Jt. Res. No. 5, A., and

Jt. Res. No. 23, A.,

Non-concurrence.

E. F. KILEE

Cha

The committee on Corporations report and recommend

No. **498, S.,** and

No. **481, S.,**

Passage.

No. **141, A.,**

No. **178, A.,** and

No. **223, A.,**

Concurrence.

No. **418, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **472, A.,** and

No. **660, A.,**

Concurrence.

No. **811, A.,**

Non-concurrence.

No. **883, A.,** and

No. **951, A.,**

Concurrence.

No. **1044, A.,**

Adoption of substitute amendment No. 1, S., and con

No. **1084, A.,**

Concurrence.

OTTO BOSSHARD

Cha

ADJOURNMENT.

Upon motion of Senator Randolph,
The senate adjourned.

The chief clerk records:

No. **13, S.**,

No. **443, S.**,

Correctly enrolled at 12 o'clock M.

No. **120, S.**,

Correctly enrolled at 9:00 o'clock a. m.

The chief clerk records:

Ut. Res. No 19, S.,

No. **47, S.**,

No. **346, S.**,

Correctly enrolled at 7:10 o'clock p. m.

BILLS FOR REVISION.

The committee on Corporations filed one bill for revision at the
of clerk's desk.

WEDNESDAY, MAY 14
10:00 O'CLOCK

The senate met.

The president in the chair.

Prayer was offered by the Rev. Wm. G. Raddatz.

The roll was called and the following senators answered names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Huston, Kileen, Linley, Martin A. E., Martin H. C., Mor-
dolph, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy.
Absent with leave.—Senator Perry—1.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Weissleder until day, May 20, 1913.

The journal of yesterday was approved.

MOTIONS.

No. 568, A.

Upon motion of Senator Teasdale,

Was re-referred to committee on Education and Public Affairs.

PETITIONS.

Pet. No. 625, S. By Senator A. E. Martin. To committee on State Affairs.

Pet. No. 626, S. By Senator Weigle. To committee on Affairs.

627, S. By Senator Randolph. To committee on State Affairs.

COMMITTEE REPORT.

Committee on Education and Public Welfare report and rec-

9, S.,

0, A.,

rence.

8, A.,

concurrence, Senator Hoyt dissenting,

. No. 71, A.,

concurrence.

HOWARD TEASDALE,
Chairman.

EXECUTIVE COMMUNICATIONS.

4, S.

motion of Senator Bosshard,
er until Wednesday, May 21, 1913.

92, S.,

to create section 292—1 of the statutes, relating to the
g and furnishing of supplies, fixtures and other materials
perintendent of public property.

question was, Shall the bill pass notwithstanding the ob-
of the governor?

es and noes were required, and the vote was: Ayes, 2;
absent or not voting, 5, as follows:

Senators Bosshard and Husting—2.

Senators Ackley, Albers, Bichler, Bishop, Culbertson,
am, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Monk,
a, Richards, Scott, Skogmo, Snover, Stevens, Teasdale,
True, Weigle, Weissleder, White, and Zophy—25.

or not voting—Senators Burke, Glenn, Linley, Mar-
, and Perry—5.

the senate refused to pass the bill.

MESSAGE FROM THE ASSEMBLY.

E. SHAFFER, chief clerk thereof.

SIDENT:

irected to inform you that the assembly has passed, and
currence in.

2, A.

Amended, and concurred in, as amended,
No. **298, S.**

Concurred in
No. **101, S.**

Non-concurred in
No. **219, S.,** and
No. **344, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **82, A.** To committee on Corporations.

No. **96, S.**

Substitute amendment No. 1, A., was concurred in.

No. **721, A.**

Upon motion of Senator Husting, and with unanimous con-
currence, Laid over till Thursday, May 15, 1913.

No. **816, A.**

Senator Bosshard moved that the senate insist upon amend-
ment No. 1, S., and that a committee of conference be appointed,
Which motion prevailed.

MOTIONS FOR CONSIDERATION.

No. **27, A.**

The question was, Shall the vote by which No. **27, A.**
non-concurred in, be reconsidered?

Division was called for and the senate refused to reconsider.
vote, ayes, 13, noes, 14.

After the result was announced, Senator Hoyt stated that
he had been counted as up when he was taking his seat and did
not wish to be so counted.

Senator Burke arose to a point of order, stating that after
the result of a vote was announced a senator could not change
his vote.

The chair held the point of order well taken.

No. **950, A.**

Vote by which nonconcurred in reconsidered.

No. **950, A.**

The senate refused to nonconcur in the bill and thereby ordered
it to a third reading.

No. 950, A.,
 Upon motion of Senator Bosshard,
 all rules interfering, were suspended with unanimous consent,

No. 950, A.,
 Was placed upon its concurrence at this time.

No. 950, A.,
 Was read a third time, and concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. 103, S.
 Amendment No. 1, S., was withdrawn by Senator Kileen with unanimous consent.
 Amendment No. 1, S., to substitute amendment No. 2, S., refused adoption.
 Amendment No. 2, S., to substitute amendment No. 2, S., adopted.
 Substitute amendment No. 2, S., as amended, adopted.
No. 103, S., as amended,
 was ordered engrossed and read a third time.

Res. No. 43, S.
 Upon motion of Senator Tomkins, and with unanimous consent,
 laid over till Thursday, May 15, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

No. 324, A.
 Upon motion of Senator Scott,
 laid over until Wednesday, May 21, 1913.
 Had a second time.

No. 1136, A.,
 Was ordered to a third reading.

No. 272, A.,
 Was non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. 145, S.,
 Bill to amend section 165b and subdivision (c) of subsection
 section 170 of the statutes, relating to the school library de-
 partment in the office of the state superintendent of public in-
 struction and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes noes, none; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hus, Kellogg, Martin A. E., Monk, Randolph, Richards, Scott, Skoog, Snover, Stevens, Teasdale, True, Weigle, Weissleder, W and Zophy—27.

Noes—None.

Absent or not voting—Senators Kileen, Linley, Martin, H Perry, and Tomkins—5.

And so the bill was passed.

No. **228, S.**

Senator Huber offered amendment No. 1, S., with unanimous consent,

Which amendment was adopted.

No. **228, S.**, as amended,

Was read a third time, and passed.

Upon motion of Senator Huber,

All rules interfering were suspended with unanimous consent and

No. **228, S.**,

Was ordered messaged to the assembly at once.

No. **310, S.**,

Was read a third time, and passed.

No. **318, S.**

Upon motion of Senator Zophy,

Laid over till Wednesday, May 21, 1913.

No. **433, S.**, and

No. **450, S.**,

Were each severally read a third time, and passed.

No. **460, S.**

Senator Bichler, with unanimous consent, offered substitute amendment No. 3, S.

Upon motion of Senator Bichler,

All rules interfering, were suspended with unanimous consent and the amendment was acted upon at this time.

No. **460, S.**

Substitute amendment No. 3, S., adopted.

No. **460, S.**, as amended,

Was read a third time, and passed.

No. **449, A.**

The president appointed on committee of conference on part of the senate, Senators Glenn, Bosshard, and Kellogg.

ADJOURNMENT.

Upon motion of Senator Scott,
The senate adjourned.

The chief clerk records:

No. **225, S.**,

No. **263, S.**,

Correctly enrolled, at 1:20 o'clock p. m., and

No. **103, S.**,

Correctly engrossed.

The committee on Finance filed one bill and Senator Weigle filed one bill for revision, at the chief clerk's desk.

THURSDAY, MAY 15, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. Wm. G. Raddatz.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—31.

Absent with leave—Senator Weissleder—1.

The journal of yesterday was approved.

The senate took up the unfinished business of yesterday.

BILLS READY FOR THIRD READING.

No. 444, S.,

A bill to appropriate the sum of two thousand dollars to be used for continuing the work of making a botanical survey of the state of Wisconsin.

Was read a third time.

The question was, Shall the bill pass.

The ayes and noes were required, and the vote was: Ayes, 24; noes, 4; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, White, and Zophy—24.

Noes—Senators Albers, Perry, Snover, and Teasdale—4.

Absent or not voting—Senators Bichler, Hoyt, Husting, and Weissleder—4.

And so the bill was passed.

No. 462, S.,

A bill appropriating to certain persons the amounts therein named for the repayment of personal expenses incurred on account of the Wisconsin Legislative Fire Insurance Investigating Committee,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 26; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bishop, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and Zophy—26.

Noes—None.

Absent or not voting—Senators Bichler, Bosshard, Hoyt, Randolph, Weissleder, and White—6.

And so the bill was passed.

No. 470, S.

Senator Skogmo, with unanimous consent, offered amendment No. 1, S.,

Which amendment was adopted.

No. 470, S., as amended

Was read a third time, and passed.

No. 471, S.,

No. 476, S.,

No. 477, S.,

No. 483, S., and

No. 493, S.,

Were each severally read a third time, and passed.

No. 145, A.,

No. 177, A.,

No. 428, A.,

No. 570, A.,

No. 613, A.,

No. 654, A.,

No. 672, A.,

No. 741, A.,

No. 783, A.,

No. 791, A., and

No. 813, A.,

Were each severally read a third time, and concurred in.

No. 464, S.,

A bill to create section 172—118 of the statutes, making an appropriation to the Wisconsin State Fire Preventive Association,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 24; noes, 4; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Tomkins, True, Weigle, White, and Zophy—24.

Noes—Senators Albers, Bishop, Snover, and Teasdale—4.

Absent or not voting—Senators Bichler, Hoyt, Stevens, Weissleder—4.

And so the bill was passed.

No. **665, A.**,

Was read a third time and concurrence refused.

No. **665, A.**

Upon motion of Senator Bosshard,

The vote by which the bill was refused concurrence was considered.

No. **665, A.**,

Was read a third time, and concurred in.

No. **749, A.**

A bill to create sections 496—1 to 496—15, inclusive, of statutes, relating to the consolidation of rural schools, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, noes, none; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, Zophy—27.

Noes—None.

Absent or not voting—Senators Burke, Martin H. C., Richards, Scott, and Weissleder—5.

And so the bill was concurred in.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **490, S.**, and

No. **492, S.**,

Passage.

No. **494, A.**,

No. **1170, A.**, and

No. **1171, A.**,

Concurrence.

No. **837, A.**,

Non-concurrence, Senator Linley dissenting.

E. F. KILEEN,
Chairman

No. **490, S.**,

Rereferred to committee on Finance under the rules.

EXECUTIVE COMMUNICATION.

72, S.

motion of Senator Scott,
over till Wednesday, May 21, 1913.

MESSAGE FROM THE ASSEMBLY.

2, S.

dment No. 1, A.
motion of Senator Tomkins,
non-concurred in.

01, A.,

motion of Senator Bishop,
over till Wednesday, May 21, 1913.

RESOLUTIONS CONSIDERED.

es. No. 23, A.,
non-concurred in.

S AND RESOLUTIONS READY FOR ENGROSS-
MENT.**92, S.**

or Hoyt moved that the bill be re-referred to the com-
n Corporations.

or Perry moved to amend the motion so as to refer the bill
committee on State Affairs,
h amendment was adopted, and
or Hoyt's motion, as amended, prevailed.

a second time.

81, S., and**98, S.,**

each severally ordered engrossed and read a third time.

05, S.,

to repeal sections 1946g and 1946h, and to create section
f the statutes, relating to the office of state fire marshal.
question was, Shall the bill be ordered engrossed and read
time?

yes and noes were demanded, and the vote was: Ayes, 20;
paired, 2; absent or not voting, 2, as follows:

—Senators Bosshard, Culbertson, Glenn, Hoyt, Huber,
, Kellogg, Linley, Martin H. C., Monk, Perry, Randolph,
s, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, and
—20.

—Senators Ackley, Albers, Bishop, Burke, Cunningham,
Martin A. E., and Snover—8.

Paired—Senator White for the bill, Senator Stevens
the bill—2.

Absent or not voting—Senators Bichler and Weissler

And so the bill was ordered engrossed and third read a t
No. **505, S.**

Upon motion of Senator Randolph,

All rules interfering, were suspended with unanimous c
and

No. **505, S.**, was placed upon its passage at this time.

No. **505, S.**,

Was read a third time, and passed.

Upon motion of Senator Burke,

All rules interfering, were suspended with unanimous c
and

No. **505, S.**

Was ordered messaged to the assembly at once.

No. **34, S.**

Upon motion of Senator Kellogg,

Laid over until Wednesday, May 21, 1913.

No. **332, A.**

Upon motion of Senator White,

Re-referred to committee on State Affairs.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senators Culbertson, Ri
and A. E. Martin until Tuesday, May 20, 1913, and to S
Bichler, Weigle and Monk until Wednesday, May 21, 1913

RECESS.

Upon motion of Senator Zophy,

The senate took a recess until 7:30 o'clock p. m.

The committee on Judiciary filed seven bills for revision
chief clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

LEAVE OF ABSENCE.

Upon request of Senator Ackley,

Leave of absence was granted to Senator Kellogg until Monday, May 19, 1913.

Upon request of Senator Perry,

Leave of absence was granted to Senator Cunningham until Monday, May 19, 1913.

Upon request of Senator H. C. Martin,

Leave of absence was granted to Senator Stevens until Tuesday, May 20, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read a second time.

Jt. Res. No. 43, S.,

Was ordered engrossed and read a third time.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

Read a second time.

No. **141, A.**,

No. **178, A.**,

No. **223, A.**,

No. **472, A.**,

No. **660, A.**,

No. **789, A.**,

No. **883, A.**,

No. **951, A.**,

No. **1084, A.**,

Jt. Res. No. 33, A.,

Jt. Res. No. 48, A., and

Jt. Res. No. 50, A.,

Was each severally ordered to a third reading.

No. **418, A.**

Amendment No. 1, S., adopted.

No. **418, A.**, as amended,

Was ordered to a third reading.

No. **919, A.**

Amendment No. 1, S., adopted.

No. **919, A.**, as amended,

Was ordered to a third reading.

No. **920, A.**

Amendment No. 1, S., adopted.

No. **920, A.**, as amended,

Was ordered to a third reading.

No. **1044, A.**

Substitute amendment No. 1, S., adopted.

No. **1044, A.**, as amended,

Was ordered to a third reading.

No. **811, A.**,

Was non-concurred in.

Jt. Res. No. 5, A.,

Upon motion of Senator Tomkins,

Laid over until Wednesday, May 21, 1913.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **53, S.**,

No. **285, S.**,

No. **305, S.**,

No. **463, S.**,

No. **465, S.**,

No. **468, S.**,

No. **473, S.**,

Was each severally read a third time, and passed.

No. **123, S.**, and

No. **171, S.**

Upon motion of Senator Bosshard,

Laid over until Wednesday, May 21, 1913.

No. **343, S.**

Upon motion of Senator H. C. Martin,

Laid over until Monday, May 19, 1913.

No. **45, A.**, and

No. **86, A.**

Upon motion of Senator Ackley,

Laid over until Tuesday, May 20, 1913.

No. **70, A.**, and

No. **268, A.**,

Were each severally read a third time, and concurred in.

Upon motion of Senator Monk,

The vote by which No. **268, A.**, was concurred in, was considered.

Upon motion of Senator Ackley,

No. **268, A.**,

Was laid over until Tuesday, May 20, 1913.

No. **354, A.**,

No. **465, A.**,

. 480, A.,
 . 638, A.,
 . 772, A.,
 . 904, A., and
 . 1018, A.,

ere each severally read a third time, and concurred in.

The committee on Legislative Procedure report and recommend
 introduction bills bearing the following revision numbers:
 . 537, 539, 540.
 . 549, as submitted, with explanatory notes by the Revisor
 atutes.

H. C. MARTIN,
 Chairman.

The bills were read by title, and the recommendation of the
 committee stood as the order of the senate.

BILLS INTRODUCED.

ad first time and referred.

512, S. (Revision No. 537). By special Committee ap-
 pointed under Jt. Res. No. 32, S. To com-
 mittee on State Affairs.

513, S. (Revision No. 539). By Committee on Educa-
 tion and Public Welfare. To committee on
 Finance.

514, S. (Revision No. 540). By Joint Committee on
 Finance. To calendar.

515, S. (Revision No. 549). By Committee on Ju-
 diciary. To committee on Judiciary.

MESSAGE FROM THE ASSEMBLY.

y C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

am directed to inform you that the assembly has concurred in
 dment No. 1, S., to

. 454, A., and
 . 750, A.

assed, and asks concurrence in,

. 163, A.,
 . 518, A.,

No. **1092, A.**,
No. **1138, A.**, and
No. **1150, A.**

Concurred in
No. **69, S.**,
No. **188, S.**,
No. **309, S.**,
No. **352, S.**,
No. **390, S.**, and
No. **427, S.**

Amended, and concurred in, as amended,
No. **124, S.**, and
No. **379, S.**

Non-concurred in
No. **306, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **163, A.** To calendar.

No. **518, A.** To committee on Education and Public Welfare.

No. **1092, A.** To committee on Education and Public Welfare.

No. **1138, A.** To committee on State Affairs.

No. **1150, A.** To committee on Corporations.

No. **414, A.**

Upon motion of Senator Tomkins, and with unanimous consent,
The vote by which No. **414, A.**, was concurred in, was reconsidered.

Amendment No. 1, A., concurred in.

No. **414, A.**, as amended,

Was read a third time, and concurred in.

No. **721, A.**

Upon motion of Senator Tomkins, and with unanimous consent,
The vote by which No. **721, A.**, was concurred in, was reconsidered.

Amendment No. 3, A., concurred in.

No. **721, A.**, as amended,

Was read a third time, and concurred in.

or Ackley moved that the vote by which Jt. Res. No. 50, A., was ordered to a third reading be reconsidered, stating that he had voted in the minority on the viva voce vote by which the resolution was so ordered.

President held that the motion was out of order, Senator not having voted with the majority.

Perry moved that the vote by which Jt. Res. No. 50, ordered to a third reading be reconsidered.

Scott rose to a point of order that the senate had the acquire if the senator making a motion to reconsider a vote voted with the majority.

President held the point well taken, stating that the rule that to make a motion to reconsider a senator must have the majority, and that it was the practice of the senate this rule, when the vote was viva voce or by division, of the senator whether he so voted.

Perry stated that he voted with the minority. President then held his motion to reconsider out of order.

motion of Senator Bosshard, and with unanimous con-

ate took up the calendar for Friday, May 16, 1913.

CALENDAR FOR FRIDAY, MAY 16, 1913.

ASSEMBLY MESSAGE CONSIDERED.

8, S.

ment No. 1, A., concurred in.

AND RESOLUTIONS READY FOR ENGROSSMENT.

9, S.

motion of Senator Zophy,
ver until Wednesday, May 21, 1913.

AND RESOLUTIONS TO BE ORDERED TO THIRD
READING.

0, A.,

dered to a third reading.

8, A.

motion of Senator H. C. Martin,
ver until Wednesday, May 21, 1913.

. No. 71, A.

motion of Senator Zophy,
ver until Wednesday, May 21, 1913.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **103, S.**, and

No. **1136, A.**

Upon motion of Senator Ackley,

Laid over till Tuesday, May 20, 1913.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Ackley until Monday, May 19, 1913.

ADJOURNMENT.

Upon motion of Senator H. C. Martin,

The senate adjourned.

BILLS FOR REVISION.

The committee on Judiciary filed three bills, the committee on Corporations filed one bill and Senator Zophy filed one bill for revision at the chief clerk's desk.

FRIDAY, MAY 16, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Wm. E. Raddatz.

Upon motion of Senator Teasdale,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

COMMUNICATION TO THE SENATE.

MAY 16, 1913,

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with provision of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

K. A. Bacon, 1077 Frederick Ave., Milwaukee, Wis., representing himself upon Relief of Small Borrowers, Proposed amendment to Usury Statutes.

Moncena Dunn, 1235 Madison St., La Crosse, representing himself upon All Matters Concerning Elections.

Edwin N. Knapp, Lawyer, 2614 Galena St., Milwaukee, representing himself upon Recall Legislation.

Frank R. King, Vice President, 690—49th St., Milwaukee, representing Wisconsin Journeyman Plumbers' State Association, upon Plumbing and Sanitation.

W. A. Peirce, Columbus, Wis., representing City of Columbus, upon No. 481, S., Street Improvements.

Nathan Glicksman, 625 Caswell Block, Milwaukee, representing Pritzlaff Hardware Co., Filer & Stowell Co., Reliance Laun-

dry and Cleaning Co., Chain Belt Co., all of Milwaukee, upon No. **811, A.**

UNITED STATES SENATE,
Washington, D. C.,
MAY 13, 1913.

Hon. THOMAS MORRIS,
Lieutenant Governor,
Madison, Wisconsin.

Dear Governor Morris: Out of a full heart, permit me to say that I profoundly appreciate the action of the legislature in its beautiful tribute to the life and character of my brother, William T. La Follette, and its considerate expression of sympathy.

Sincerely yours,
ROBERT M. LA FOLLETTE.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **382, A.**,

No. **554, A.**, and

No. **1061, A.**,

Concurrence.

No. **383, A.**,

No. **917, A.**,

No. **1040, A.**, and

No. **1162, A.**,

Non-concurrence.

PAUL HUSTING,
Acting Chairman.

The committee on State Affairs report and recommend:

No. **386, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **456, S.**,

Indefinite postponement.

No. **627, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1124, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1149, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **148, A.**,

No. **1102, A.**,

No. **1161, A.**, and

Jt. Res. No. 75, A.,

Concurrence.

M. F. WHITE,
Chairman.

Committee on Corporations report and recommend:

Res. No. 47, S.,

tion.

185, S.,

tion of substitute amendment No. 1, S., and passage.

Res. No. 39, A., and

27, A.,

concurrency.

32, A.,

61, A.,

21, A.,

49, A.,

52, A.,

094, A.,

097, A., and

140, A.,

concurrency.

015, A.,

tion of substitute amendment No 1, S., and concurrence.

GEORGE B. SKOGMO,

Acting Chairman.

Special committee appointed under Joint Resolution No.
report and recommend:

61, S.,

nite postponement.

GEORGE B. SKOGMO,

Chairman.

MESSAGE FROM THE ASSEMBLY.

E. SHAFFER, chief clerk thereof.

PRESIDENT:

Directed to inform you that the assembly has adopted, and

concurrency in,

Res. No. 38, A.,

d, and asks concurrence in,

31, A.,

61, A., and

167, A.

led from governor, reconsidered vote by which passed,

d, and passed, as amended,

37, A.

urred in

47, S., and

14, S.

48—S. J.

Amended, and concurred in, as amended,
No. **376, S.**, and
No. **409, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 38, **A.** To committee on Judiciary.

No. **131, A.** To committee on Education and Public Welfare.

No. **661, A.** To committee on Corporations.

No. **1167, A.** To committee on Corporations.

No. **337, A.**

Upon motion Senator Tomkins and with unanimous consent,
The vote by which No. **337, A.**, was concurred in, was re-considered.

No. **337, A.**,

Upon motion of Senator Tomkins, rereferred to committee on
State Affairs.

ADJOURNMENT.

Upon motion of Senator Husting,

The senate adjourned until Monday, May 19, 1913, at 9:00
o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk reports:

Jt. Res. No. 43, S.,

Correctly engrossed.

MONDAY, MAY 19, 1913.

9:00 O'CLOCK P. M.

Senate met.

President pro tempore in the chair.

Prayer was offered by the Rev. J. Henry Chatterton, of the
M. E. Church, Prairie Farm, Wis.

On motion of Senator Ackley,
calling of the roll was dispensed with.

Journal of Friday, May 16, 1913, was approved.

Committee on Legislative Procedure report and recommend
production, bills bearing the following revision numbers:
542, 543, 544, 545, 546, 547, 548, 550, 551, 552, 553.

H. C. MARTIN,

Chairman.

Bills were read by title. and the recommendation of the
committee stood as the order of the senate.

BILLS INTRODUCED.

first time and referred.

6, S. (Revision No. 542). By Committee on Judiciary,
To committee on Judiciary.

7, S. (Revision No. 543). By Committee on Judiciary.
To committee on Judiciary.

8, S. (Revision No. 544). By Committee on Judiciary.
To committee on Judiciary.

9, S. (Revision No. 545). By Committee on Judiciary.
To committee on Judiciary.

10, S. (Revision No. 546). By Committee on Judiciary.
To committee on Judiciary.

- No. **521, S.** (Revision No. 547) By Committee on Judiciary.
To committee on Judiciary.
- No. **522, S.** (Revision No. 548). By Committee on Judiciary.
To committee on Judiciary.
- No. **523, S.** (Revision No. 550). By Committee on Judiciary.
To committee on Judiciary.
- No. **524, S.** (Revision No. 551). By Committee on Judiciary.
To committee on Judiciary.
- No. **525, S.** (Revision No. 552) By Committee on Judiciary.
To committee on Judiciary.
- No. **526, S.** (Revision No. 553). By Committee on Corporations.
To committee on Corporations.
-

PETITIONS.

- Pet. No. 628, S. By Senator True. To committee on Education and Public Welfare.
- Pet. No. 629, S. By Senator Husting. To committee on Education and Public Welfare.
-

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in
No. **180, S.**, and
No. **453, S.**

Has amended, and concurred in, as amended,
No. **8, S.**, and
No. **186, S.**

Has adopted, and asks concurrence in,
Jt. Res. No. 82, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 82, A., concurred in.

No. **124, S.**

Substitute amendment No. 1, A., concurred in.

No. **379, S.**,

Amendment No. 1, A., concurred in.

Upon motion of Senator Husting,

The vote by which amendment No. 1, A., was concurred in,
was reconsidered.

No. **379, S.**

Upon motion of Senator Husting,

Laid over until Wednesday, May 21, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSS-
MENT.

l second time.

492, S.,

er engrossed and read a third time.

514, S.

n motion of Senator True, and with unanimous consent,
over until Tuesday, May 20, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

d a second time.

163, A., and

494, A.,

ered to a third reading.

1170, A., and

1171, A.

n motion of Senator Bishop,
referred to committee on Judiciary.

837, A.

n motion of Senator Huber, with unanimous consent,
over until Tuesday, May 20, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

343, S.,

481, S., and

498, S.,

e each severally read a third time, and passed.

Res. No. 43, S.,

read a third time, and adopted.

141, A.,

178, A.,

223, A.,

418, A.,

472, A.,

660, A.,

883, A.,

919, A.,

920, A.,

1044, A.,

1084, A.,

Res. No. 48, A., and

Res. No. 50, A.,

e each severally read a third time, and concurred in.

No. 190, A.

Upon motion of Senator Teasdale,

Re-referred to the committee on Education and Public Welfare.

No. 789, A.

Upon motion of Senator Huber,

Laid over until Wednesday, May 21, 1913.

No. 951, A.

Upon motion of Senator Kileen,

Laid over till Wednesday, May 21, 1913.

ADJOURNMENT.

Upon motion of Senator Burke,

The senate adjourned.

TUESDAY, MAY 20, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. J. Henry Chatterson.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bishop, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Over, Stevens, Teasdale, Tomkins, True, Weissleder, and Why—25.

Absent—Senators Bosshard, Hoyt, Randolph, and White—4.

Absent with leave—Senators Bichler, Richards, and Weigle

LEAVE OF ABSENCE.

Upon request of Senator Weissleder, leave of absence was granted to Senator Richards for this session.

The journal of yesterday was approved.

RESOLUTIONS.

Res. No. 24, S.

WHEREAS, The report of the Teachers' Insurance and Retirement Fund Board has not been published, and

WHEREAS, At the hearing had before the committee on Education and Public Welfare, last week, it appeared that the funds now provided are grossly inadequate to pay the amount of annuities set forth in the report of said board as filed, and as may be reasonably expected to be paid therefrom in the future.

Therefore, be it resolved, That the commissioner of insurance, through his actuarial department, be requested and directed to make a report to the senate within one week, incorporating therein such parts of the report of such Retirement Fund Board as may be necessary, and report fully upon the adequacy or inadequacy of the funds provided; to fully pay the annuities that may be required to be paid from such fund, based upon such report and the experience of other like pension funds; and, if found to be inadequate, to report the amount of such inadequacy in detail, and the probable cost to the annuitant and to the state to make the fund sufficient to insure annuity payments in full; and report other facts and conclusions based upon such report and experiences as in his judgment shall be necessary to fully advise the senate of the true state of the adequacy of the funds now so provided.

By Senator Teasdale.

Upon request of Senator Scott,

Laid over with unanimous consent, until Wednesday, May 21, 1913.

PETITIONS.

Pet. No. 630, S. By Senator Teasdale. To committee on Education and Public Welfare.

Pet. No. 631, S. By Senator Teasdale. To committee on Education and Public Welfare.

Pet. No. 632, S. By Senator Monk. To committee on Education and Public Welfare.

COMMITTEE REPORTS.

The joint committee on Finance report and recommend:

No. **294, S.**

Substitute amendment No. 1, S., and passage, Messrs. Roessler, Roethe and Spoor dissenting.

No. **486, S.,**

Passage, Mr. Roessler dissenting.

No. **601, A.,**

Concurrence.

G. E. SCOTT,

Chairman of Senate Committee.

R. J. NYE,

Chairman of Assembly Committee.

EXECUTIVE COMMUNICATIONS.

Senator Scott moved that the nomination of Clemens P. Host to be state fire marshal be laid over until Tuesday, May 27, 1913.

The ayes and noes were demanded.

or Scott moved a

CALL OF THE SENATE,

ch motion was supported and the Call was ordered.
roll was called and the following senators answered to their

ors Ackley, Albers, Bishop, Burke, Culbertson, Cunning-
Glenn, Huber, Husting, Kellogg, Kilecn, Linley, Martin
Martin H. C., Monk, Perry, Scott, Skogmo, Snover,
, Teasdale, Tomkins, True, Weissleder, and Zophy—25.

nt—Senators Bosshard, Hoyt, Randolph, and White—4.

nt with leave—Senators Bichler, Richards, and Weigle—3.

or Ackley moved to suspend further proceedings under the

ayes and noes were required, and the vote was: Ayes, 13;
2; absent or not voting, 7, as follows:

—Senators Ackley, Albers, Bishop, Burke, Culbertson,
gham, Glenn, Kilecn, Martin A. E., Snover, Stevens,
s, and Weissleder—13.

—Senators Huber, Husting, Kellogg, Linley, Martin H. C.,
Perry, Scott, Skogmo, Teasdale, True, and Zophy—12.

nt or not voting—Senators Bichler, Bosshard, Hoyt,
ph, Richards, Weigle, and White—7.

so the motion was lost.

or Ackley moved that rule 11 be suspended.

resident declared the motion out of order under rule 90.

or Bishop moved that the senate adjourn.

question was, Shall the senate adjourn?

ayes and noes were required, and the vote was: Ayes, 10;

4; absent or not voting, 8, as follows:

—Senators Bishop, Husting, Kellogg, Linley, Martin H.
nk, Skogmo, Teasdale, True, and Zophy—10.

—Senators Ackley, Albers, Burke, Culbertson, Cunning-
lenn, Huber, Kilecn, Martin A. E., Perry, Scott, Stevens,
s, and Weissleder—14.

nt or not voting—Senators Bichler, Bosshard, Hoyt,
ph, Richards, Snover, Weigle, and White—8.

so the senate refused to adjourn.

or Scott moved to suspend further proceedings under the

question was, Shall further proceedings under the call be
led?

ayes and noes were required, and the vote was: Ayes, 24;
one; absent or not voting, 8, as follows:

—Senators Ackley, Albers, Bishop, Burke, Culbertson,
gham, Glenn, Huber, Husting, Kellogg, Kilecn, Linley,
A. E., Martin H. C., Monk, Perry, Scott, Skogmo,
, Teasdale, Tomkins, True, Weissleder, and Zophy—24.

Noes—None.

Absent or not voting—Senators Bichler, Bosshard, Hoyt, Randolph, Richards, Snover, Weigle, and White—8.

And so further proceedings under the call were suspended.

Senator Scott with unanimous consent withdrew his motion to lay the nomination over until May 27.

Senator Burke moved that the nomination be placed at the foot of the calendar,

Which motion prevailed.

No. **410, S.**,

A bill to amend subsection 5 of section 4560a—40 of the statutes, relating to the use of nets, seines, or set hooks for catching fish and granting license therefor.

The question was, Shall the bill pass notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes, none; noes, 24; absent or not voting, 8, as follows:

Ayes—None.

Noes—Senators Ackley, Albers, Bishop, Burke, Culbertson, Cunningham, Glenn, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and Zophy—24.

Absent or not voting—Senators Bichler, Bosshard, Hoyt, Huber, Randolph, Richards, Weigle, and White—8.

And so the senate refused to pass the bill.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

No. **66, A.**,

No. **775, A.**,

No. **842, A.**,

No. **881, A.**, and

No. **1009, A.**

And concurred in substitute amendment No. 1, S., to

No. **787, A.**, and

No. **1078, A.**

Passed, and asks concurrence in,

No. **490, A.**,

No. **824, A.**, and

No. **880, A.**

Concurred in

No. **247, S.**,

No. **282, S.**,

No. **284, S.**

17, S.,
39, S.,
45, S., and
84, S.

ded, and concurred in, as amended,
50, S.

urred in amendment No. 2, S., and concurred in as amended
4, S.

urred in substitute amendment No. 2, S., and concurred in,
ded,
33, S.

res to its position on amendment No. 1, A., to
2, S.

ASSEMBLY MESSAGE CONSIDERED.

first time and referred.

90, A. To calendar.

24, A. To committee on Education and Public Wel-

80, A. To committee on Education and Public Wel-

76, S.

dment No. 1, A., concurred in.

09, S.

motion of Senator A. E. Martin,
d at the foot of the calendar.

RESOLUTIONS CONSIDERED.

es. No. 47, S.;

nt resolution relating to insurance against accident, sickness
lidity, and the preventions of pauperism and dependency.
uestion was, Shall the resolution be adopted?

yes and noes were demanded, and the vote was: Ayes, 18;
absent or not voting, 9, as follows:

—Senators Bishop, Cunningham, Glenn, Husting, Kellogg,
Linley, Martin H. C., Monk, Perry, Scott, Skogmo,
Teasdale, Tomkins, True, Weissleder, and Zophy—18.
—Senators Ackley, Albers, Burke, Culbertson, and Martin
5.

nt or not voting—Senators Bichler, Bosshard, Hoyt,
Randolph, Richards, Snover, Weigle, and White—9.
o the resolution was adopted.

BILLS AND RESOLUTIONS READY FOR ENROLLMENT.

No. **386, S.**

Upon motion of Senator Kileen,
Laid over until Thursday, May 22, 1913.

Read a second time.

No. **485, S.**

Substitute amendment No. 1, S., adopted.

Upon the request of the president pro tempore,
Senator True took the chair.

No. **485, S.**

Senator Burke moved that the bill be placed at the foot of the calendar,

Which motion was lost.

Upon motion of Senator A. E. Martin,
Laid over until Tuesday, May 27, 1913.

No. **514, S.**

Senator Husting offered amendment No. 1, S.

The president pro tempore resumed the chair.

RECESS.

Upon motion of Senator Husting,
The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

Chief clerk under rule 32 corrected enrolled bill No. **15** by striking out the words "however incorporated" where they occur in lines two and three of said bill.

The chief clerk, under rule 32, made the following correction to bill **249, S.:**

Strike out in lines 3 and 4 of the enrolled bill the words "all of whom shall serve without compensation, which said commission," and insert at the end of section 1 of the enrolled bill the words: "all of which said commission shall serve without compensation."

The chief clerk under rule 32 corrected enrolled bill No. **S.**, by changing the word "issue" in the first line of section six to the word "issued", also the word "witnesses" in the first line of section six to the word "witness".

S.,
 2, S.,
 1, S.,
 6, S.,
 01, S.,
 36, S.,
 11, S.,
 49, S.,
 53, S.,
 54, S.,
 57, S.,
 70, S.,
 90, S.,
 44, S.,
 49, S.,
 57, S.,
 22, S.,
 98, S.,
 16, S., and
 23, S.,
 29, S.,

ly enrolled at 12:15 o'clock p. m., and
 ly enrolled at 2:00 o'clock p. m.

BILLS FOR REVISION.

or Skogmo filed one bill and the committee on Education
 for revision at the chief clerk's desk.

7:30 O'CLOCK P. M.

enate was called to order by the president.

or Ackley moved that rule 11 be suspended for this ses-

question was, Shall rule 11 be suspended?

yes and noes were required, and the vote was: Ayes, 18;
 ne; absent or not voting, 14, as follows:

—Senators Ackley, Albers, Bishop, Bosshard, Burke,
 ham, Glenn, Husting, Kellogg, Kileen, Martin A. E.,
 Perry, Scott, Skogmo, Stevens, True, and Weissleder—18.
 —None.

t or not voting—Senators Bichler, Culbertson, Hoyt,
 Linley, Martin H. C., Randolph, Richards, Snover,
 e, Tomkins, Weigle, White, and Zophy—14.
 o the rule was suspended.

BILLS AND RESOLUTIONS READY FOR EN- MENT.

No. 514, S.,

A bill to create section 170m of the statutes, fixing t and compensation of certain officers therein named and au the heads of several offices, commissions, boards, and bod point necessary assistants and subordinates and to fix th pensionation,

Was read a second time.

Amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: noes, 22; absent or not voting, 6, as follows:

Ayes—Sensors Burke, Husting, Kellogg, and Monk—

Noes—Senators Ackley, Albers, Bishop, Bosshard, son, Cunningham, Glenn, Hoyt, Kileen, Linley, Martin H. C., Perry, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weissleder, and Zophy—22.

Absent or not voting—Senators Bichler, Huber, Richards, Weigle, and White—6.

And so the senate refused to adopt the amendment.

The question then was, Shall the bill be ordered engrossed and read a third time?

The ayes and noes were demanded, and the vote was: 23; noes, 3; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, son, Cunningham, Glenn, Hoyt, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Teasdale, Tomkins, True, White, and Zophy—23.

Noes—Senators Burke, Husting, and Kellogg—3.

Absent or not voting—Senators Bichler, Huber, Richards, Weigle, and Weissleder—6.

And so the bill was ordered engrossed and read a third

Read second time.

No. 361, S.

Amendment No. 1, S., refused adoption.

Indefinitely postponed.

No. 456, S.

Amendment No. 1, S., refused adoption.

Indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED THIRD READING.

Read second time.

No. 148, A.,

361, A.,
 321, A.,
 49, A.,
 52, A.,
 61, A.,
 94, A.,
 1097, A.,
 102, A.,
 140, A.,

161, A., and

es. No. 75, A.,

each severally ordered to a third reading.

332, A.,

to amend section 1222—30 of the statutes, relating to the
 tion of the street railway tax.

question was, Shall the bill be ordered to a third reading?

yes and noes were demanded, and the vote was: Ayes, 16;

; absent or not voting, 2, as follows:

—Senators Bosshard, Culbertson, Glenn, Hoyt, Huber,
 , Kileen, Martin A. E., Martin H. C., Monk, Scott,
 , Snover, Stevens, Tomkins, and White—16.

—Senators Ackley, Albers, Bichler, Bishop, Burke,
 gham, Kellogg, Linley, Perry, Richards, Teasdale, True,
 der, and Zophy—14.

nt or not voting—Senators Randolph and Weigle—2.

so the bill was ordered to a third reading.

382, A.,

ordered to a third reading.

a motion of Senator Weissleder,

ules interfering, were suspended with unanimous consent,

bill was placed upon its concurrence at this time.

a third time, and concurred in.

a motion of Senator Weissleder,

ules interfering were suspended, with unanimous consent,

bill was ordered messaged to the assembly at once.

554, A.

ndment No. 1, S., refused adoption.

red to a third reading.

327, A.

ndment No. 1, S., adopted.

red to a third reading.

1015, A.

stitute amendment No. 1, S., adopted

red to a third reading.

1124, A.

ndment No. 1, S., adopted.

red to a third reading.

No. **1149, A.**

Amendment No. 1, S., adopted.

Ordered to third reading.

No. **383, A.,**

Upon motion of Senator Weissleder,

Re-referred to committee on Judiciary.

No. **917, A.**

No. **927, A.,**

No. **1040, A.,** and

No. **1162, A.,**

Were severally non-concurred in.

Jt. Res. No. 39, A.,

A joint resolution memorializing Congress to enact such legislation as may permit the federal government to engage in life and accident insurance.

The question was, Shall the resolution be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 19; noes, 9; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshart, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Martin A. E., Martin H. C., Scott, Snover, Teasdale, Tomkins, and True—19.

Noes—Senators Burke, Kileen, Linley, Monk, Richardson, Stevens, Weissleder, White, and Zophy—9.

Absent or not voting—Senators Perry, Randolph, Skogmo, and Weigle—4.

And so the resolution was non-concurred in.

Upon motion of Senator A. E. Martin,

The vote by which the joint resolution was non-concurred was re-considered.

The question then was, Shall the joint resolution be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 19; noes, 3; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshart, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Richardson, Scott, Skogmo, Snover, Teasdale, Tomkins, True, Weissleder, and White—26.

Noes—Senators Linley, Stevens, and Zophy—3.

Absent or not voting—Senators Perry, Randolph, and White—3.

And so the joint resolution was non-concurred in.

No. **837, A.**

Upon motion of Senator Hoyt,

Laid over until Tuesday May 27, 1913.

ILLS AND RESOLUTIONS READY FOR THIRD READING.

03, S.,

to revise chapter 113, of the statutes relating to the Circuits; to create section 94t—1 and 2425; to revise and paragraphs (2), (3), (4) and (5) of subsection 12 of section sections 171, 1215—29, 1218—28, 1222—28, 2625, 4680, 811 and paragraph (3) of section 4813 of the statutes; to sections 2423b, 2423c, 2423d and 2429 of the statutes and following chapters of the Wisconsin Session Laws: chapter Private and Local Laws of 1867, chapter 226 of 1877, 1 of 1883, chapter 377 of 1897, chapter 2 of 1899, chapter 414 of 1901, chapter 2 of 1903, chapters 5, 6 and 520 chapters 559 and 645 of 1907, and chapter 474 of 1909, read a third time.

Question was, Shall the bill pass?

Ayes and noes were required, and the vote was: Ayes, 25; absent or not voting, 2, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Martin A. E., Martin H. C., Perry, Richards, Scott, Snover, Stevens, Tomkins, True, Weissleder, and White

—Senators Culbertson, Linley, Monk, Teasdale, and Zophy

absent or not voting—Senators Randolph and Weigle—2.

So the bill was passed.

15, A.,

to amend section 20.25 of the statutes, relating to the of departmental reports, read a third time.

Question was, Shall the bill be concurred in?

Ayes and noes were required, and the vote was: Ayes, 30; none; absent or not voting, 2, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weissleder, White, and Zophy—30.

—None.

absent or not voting—Senators Randolph, and Weigle—2.

So the bill was concurred in.

6, A.,

to create section 1623 of the statutes relating to license tags, read a third time.

Mr Bichler moved that the bill be non-concurred in.

Question was, Shall the bill be non-concurred in?

49—S. J.

The ayes and noes were demanded, and the vote was: noes, 21; absent or not voting, 3, as follows;

Ayes—Senators Bichler, Bosshard, Burke, Cunningham, Hustung, Kileen, and Richards—8.

Noes—Senators Ackley, Albers, Bishop, Culbertson, Hoyt, Kellogg, Linley, Martin A. E., Martin H. C., Perry, Scott, Skogmo, Snover, Teasdale, Tomkin, Weissleder, White, and Zophy—21.

Absent or not voting—Senators Randolph, Stevens, Weigle—3.

And so the senate refused to non-concur in the bill and the bill was concurred in.

No. **268, A.**,

A bill to create section 496c—3 of the statutes, relating to courses in stenography or bookkeeping in high schools, making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Richards, Scott, Skogmo, Snover, Teasdale, True, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Randolph, Stevens, Weigle—3.

And so the bill was concurred in.

No. **1136, A.**,

A bill to compensate the officiating chaplains of the senate assembly for the special session of 1912, and the regular session of 1913, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Richards, Scott, Skogmo, Snover, Teasdale, Tomkin, Weissleder, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Randolph, Stevens, and Weigle—3.

And so the bill was concurred in.

Jt. Res. No. 33, A.,

A joint resolution to amend section 1 of article VII of the constitution, relating to taxes,

Was read a third time.

question was, Shall the joint resolution be concurred in?
 Ayes and noes were required, and the vote was: Ayes, 15;
 5; absent or not voting, 2, as follows:
 s—Senators Bichler, Bosshard, Culbertson, Hoyt, Huber,
 g, Linley, Monk, Richards, Scott, Skogmo, Tomkins, True,
 eder, and Zophy—15.
 s—Senators Ackley, Albers, Bishop, Burke, Cunningham,
 Kellogg, Kileen, Martin A. E., Martin H. C., Perry,
 r, Stevens, Teasdale, and White—15.
 ent or not voting—Senators Randolph, and Weigle—2.
 so the senate refused to concur in the resolution.

ator Teasdale moved that the senate adjourn.
 Ayes and noes were demanded, and the vote was: Ayes, 14;
 16; absent or not voting, 2, as follows:
 s—Senators Ackley, Burke, Cunningham, Glenn, Hoyt,
 , Linley, Martin A. E., Richards, Stevens, Teasdale, Weiss-
 White, and Zophy—13.
 s—Senators Albers, Bichler, Bishop, Bosshard, Culbertson,
 , Husting, Kellogg, Martin H. C., Monk, Perry, Scott,
 o, Snover, Tomkins, and True—16.
 ent or not voting—Senators Randolph and Weigle—2.
 so the senate refused to adjourn.

EXECUTIVE COMMUNICATIONS.

ator Scott moved that the nomination of Clemens P. Host
 ate fire marshal, be laid on the table,
 ator Bosshard moved to amend the motion by providing
 ne nomination should be taken from the table only upon final
 ition of No. **505, S.**
 ator Burke rose to a point of order, that a motion to lay on
 ble cannot be amended, and that the rule provides that a
 r laid on the table may be taken from the table at any time.
 president held the point well taken.
 motion to lay upon the table prevailed.

409, S.

on motion of Senator Bosshard,
 d over to Thursday, May 22, 1913.

MOTIONS.

ator Zophy moved that the assembly be requested to return
729, A.,
 ich motion prevailed.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **1178, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1119, A.**, and

No. **1179, A.**,

Concurrence.

No. **332, S.**,

Passage.

No. **395, S.**,

Indefinite postponement.

E. F. KILEEN,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed and asks concurrence in,

No. **50, A.**,

No. **96, A.**,

No. **583, A.**,

No. **1116, A.**,

No. **1156, A.**,

No. **1183, A.**

Has concurred in

No. **228, S.**,

No. **303, S.**,

No. **436, S.**,

No. **501, S.**

And has adopted, and asks concurrence in,

Jt. Res. No. 83, **A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **50, A.** To committee on Corporations.

No. **96, A.**

Upon motion of Senator White and with unanimous consent the vote by which the bill was concurred in, was reconsidered.

Rereferred to the committee on State Affairs.

No. **583, A.** To committee on Corporations.

No. **1116, A.** To committee on Judiciary.

No. **1156, A.** To committee on Education and Public Welfare.

o. **1183, A.** To committee on Corporations.

. Res No. 83, A.,
ncurred in.

— — — —

ADJOURNMENT.

pon motion of Senator Ackley,
ne senate adjourned.

— — — —

BILLS FOR REVISION.

Senator Bosshard filed two bills for revision at the chief clerk's

— — — —

he chief clerk, under rule 32, corrected enrolled bill No.
S., as follows, by striking out the word "Wisconsin" at the
of the eighth line on page two of said bill and inserted in lieu
of the words "of the", also by striking out the word "Wis-
n" in the last line of section one of said bill and inserting in
thereof the words "of the".

WEDNESDAY, MAY 21, 1913
10:00 O'CLOCK A.

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. Henry Chatterson.

The roll was called and the following senators answered their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, B Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kell Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, H ards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, T Weigle, Weissleder, White, and Zophy—31.

Absent—Senator Randolph—1.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Weissleder Tuesday, May 27, 1913.

The journal of yesterday was approved.

MOTIONS.

Jt. Res. No. 33, A.,

A joint resolution to amend section 1 of article VIII of constitution, relating to taxes.

Senator Kellogg moved that the vote by which the resolution was non-concurred in be reconsidered.

The question was, Shall the vote by which the resolution non-concurred in, be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes 8; noes, 8; absent or not voting, 2, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Linley, Martin

, Monk, Richards, Scott, Skogmo, Snover, Tomkins, True, Weigle, Weissleder, White, and Zophy—22.

Noes—Senators Ackley, Albers, Burke, Kileen, Martin H. C., Perry, Stevens, and Teasdale—8.

Absent or not voting—Senators Glenn and Randolph—2.

And so the vote by which the resolution was non-concurred was reconsidered.

The question then was, Shall the resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, 10; absent or not voting, 2, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Culbertson, Cunningham, Huber, Husting, Kellogg, Linley, Martin H. C., Monk, Richards, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—20.

Noes—Senators Ackley, Albers, Burke, Hoyt, Kileen, Martin H. C., Perry, Snover, Stevens, and Teasdale—10.

Absent or not voting—Senators Glenn and Randolph—2.

And so the resolution was concurred in.

Senator Ackley moved that the vote by which No. 86, A., was concurred in, be reconsidered.

His motion prevailed.

His motion of Senator True,

referred to committee on State Affairs.

232, A.,

to amend section 1222—30 of the statutes, relating to the taxation of the street railway tax.

Senator Stevens moved that the vote by which the bill was passed to a third reading, be reconsidered,

his motion prevailed.

Senator Ackley moved that the bill be non-concurred in.

Senator Bosshard moved that the bill be re-referred to the committee on Finance.

The question was, Shall the bill be re-referred to the committee on Finance?

The ayes and noes were demanded, and the vote was: Ayes, 23; noes, 7; absent or not voting, 2, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Culbertson, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, and White—23.

Noes—Senators Ackley, Burke, Cunningham, Perry, Richards, Snover, and Weissleder—7.

Absent or not voting—Senators Randolph and Zophy—2.

And so the bill was re-referred to the committee on Finance.

EXECUTIVE COMMUNICATIONS.

No. 164, S.

Upon request of Senator Bosshard,

The bill was laid over until Wednesday, May 28, 1913.

No. 272, S.,

A bill to create subsection 5 of section 4224 of the statute relating to limitation of actions upon certain insurance policies.

The question was, Shall the bill pass, notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes—noes, 30; absent or not voting, 2, as follows:

Ayes—None.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, White, and Zophy—30.

Absent or not voting—Senators Randolph and Weissleder.
And so the senate refused to pass the bill.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has ordered the bill returned to the senate, as per request,

No. 729, A.

ASSEMBLY MESSAGES CONSIDERED.

No. 729, A.

Senator Zophy, with unanimous consent, moved that the vote on which the bill was concurred in be reconsidered,

Which motion prevailed.

Upon request of Senator Zophy,

Placed at the foot of the calendar.

No. 8, S.,

A bill to amend subsection 11 of section 1492b of the statute relating to compensation to owners for cattle slaughtered and acting to the tuberculin test.

Substitute amendment No. 1, A.

The question was, Shall the substitute amendment be concurred in?

The ayes and noes were required, and the vote was: Ayes—noes, none; absent or not voting, 4, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Bosshard, son, Cunningham, Glenn, Hoyt, Huber, Hustling, Kileen, Martin A. E., Martin H. C., Monk, Perry, Scott, o, Snover, Stevens, Teasdale, Tomkins, True, Weigle, der, White, and Zophy—28.

—None.

nt or not voting—Senators Burke, Kellogg, Randolph, hards—4.

so the substitute amendment was concurred in.

186, S.

ndment No. 1, A.

a motion of Senator H. C. Martin, concurred in.

379, S.

ndment No. 1, A., concurred in.

101, A.

a motion of Senator Bishop, over until Wednesday, May 28, 1913.

RESOLUTIONS CONSIDERED.

No. 24, S.,
ted.

AND RESOLUTIONS READY FOR ENGROSSMENT.

second time.

199, S.

ll to amend section 4575 of the statutes, relating to the of billiards and pool, by minors.

or Teasdale offered amendment No. 1, S.,

h amendment was adopted.

question then was, Shall the bill be ordered engrossed and third time?

ayes and noes were demanded, and the vote was: Ayes, s, 13; absent or not voting, 2, as follows:

—Senators Ackley, Albers, Bosshard, Burke, Culbertson, Hoyt, Huber, Linley, Perry, Scott, Skogmo, Teasdale, s, True, Weigle, and Zophy—17.

—Senators Bichler, Bishop, Cunningham, Hustling, Kel-Kileen, Martin A. E., Monk, Richards, Snover, Stevens, der, and White—13.

nt or not voting—Senators Martin H. C. and Randolph—

so the bill was ordered engrossed and read a third time.

No. 34, S.

Senator Skogmo offered amendment No. 1, S., to substitute amendment No. 1, S.

Upon motion of Senator Skogmo,

Laid over until Wednesday, May 28, 1913.

Jt. Res. No. 8, S.,

Upon motion of Senator Zophy,

Placed at foot of calendar.

**BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD
READING.**

Read second time.

No. 81, A.,

A bill to amend subsection 3 of section 1557 of the statutes, relating to the sale of liquors.

Senator Kileen moved that the bill be non-concurred in?

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 19; noes, 10; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Cunningham, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Monk, Perry, Richards, Snover, Tomkins, Weigle, Weissleder, and White—19.

Noes—Senators Bosshard, Culbertson, Glenn, Huber, Linley, Scott, Skogmo, Teasdale, True, and Zophy—10.

Absent or not voting—Senators Martin H. C., Randolph, and Stevens—3.

And so the bill was non-concurred in.

RECESS.

Upon motion of Senator White,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator Kileen filed three bills for revision at the chief clerk's desk.

7:30 O'CLOCK P. M.

Senate was called to order by the president.

RESOLUTIONS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

second time.

24, A.,
 ordered to a third reading.

18, A.,
 concurred in.

s. No. 5, A.,
 t resolution to amend section 10 of article VIII of the
 ion of Wisconsin providing for the acquisition and opera-
 storage houses, distributing depots to warehouses and grain
 by the state.

uestion was, Shall the resolution be non-concurred in?
 yes and noes were required, and the vote was: Ayes, 16;
 absent or not voting, 10, as follows:

-Senators Ackley, Albers, Bichler, Culbertson, Cunning-
 husting, Kellogg, Kileen, Perry, Richards, Snover,
 Teasdale, Tomkins, Weigle, and White—10.

-Senators Hoyt, Huber, Linley, Monk, True, and Zophy

t or not voting—Senators Bishop, Bosshard, Burke,
 Martin A. E., Martin H. C., Randolph, Scott, Skogmo,
 Weissleder—10.

o the resolution was non-concurred in.

s. No. 71, A.,
 ssing sympathy with the people of Belgium in their efforts
 e manhood suffrage.

uestion was, Shall the resolution be non-concurred in?
 yes and noes were demanded, and the vote was: Ayes, 16;
 absent or not voting, 6, as follows:

-Senators Ackley, Albers, Bichler, Burke, Culbertson,
 ham, Kellogg, Kileen, Perry, Scott, Snover, Stevens,
 , Tomkins, Weigle, and White—16.

-Senators Bosshard, Hoyt, Huber, Husting, Linley,
 Richards, Skogmo, True, and Zophy—10.

t or not voting—Senators Bishop, Glenn, Martin A. E.,
 H. C., Randolph, and Weissleder—6.

o the resolution was non-concurred in.

r Tomkins moved that rule 11 be suspended.

uestion was, Shall rule 11 be suspended?

The ayes and noes were required, and the vote was 20; noes, 6; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Ham, Huber, Hustling, Kellogg, Kileen, Linley, Martin, Perry, Richards, Scott, Snover, Stevens, Tomkins, True, and Zophy—20.

Noes—Senators Culbertson, Hoyt, Monk, Skogmo, and White—6.

Absent or not voting—Senators Bishop, Burke, Glenn A. E., Randolph, and Weissleder—6.

And so the rule was suspended.

No. 324, A.,

A bill to provide for the representation of the state of Oregon at the Panama Pacific International Exposition at San Francisco, California, celebrating the opening and commerce of the Panama Canal, and making an appropriation therefor.

Senator Hustling moved that the vote by which the bill was ordered to third reading, be reconsidered.

The question was, Shall the vote by which No. 324 was ordered to third reading, be reconsidered?

The ayes and noes were demanded, and the vote was: noes, 11; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Hoyt, Hustling, Kellogg, Martin H. C., Monk, Richards, Scott, Teasdale, True, Weigle, White, and Zophy—17.

Noes—Senators Ackley, Albers, Burke, Culbertson, Ham, Kileen, Linley, Perry, Snover, Stevens, and Tomkins—4.

Absent or not voting—Senators Glenn, Martin A. E., Randolph, and Weissleder—4.

And so the bill was reconsidered.

Senator Bosshard offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: noes, 8; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Burke, Cunningham, Hoyt, Huber, Hustling, Martin H. C., Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, and Zophy—20.

Noes—Senators Albers, Bichler, Kellogg, Kileen, Linley, Snover, and Teasdale—8.

Absent or not voting—Senators Glenn, Martin A. E., Randolph, and Weissleder—4.

And so the amendment was adopted.

No. 324, A., as amended,
Was ordered to third reading.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. 123, S.

Upon motion of Senator Bosshard,
Was placed at foot of the calendar.

No. 171, S., and

No. 492, S.,

Were each severally read a third time, and passed.

The president pro tempore took the chair.

No. 318, S.

Upon motion of Senator Scott,
Laid over until Wednesday, May 28, 1913.

No. 163, A.,

A bill to create section 392em—10 of the statutes, relating to the preparation and distribution of serums by the agricultural college for the prevention of hog cholera and making an appropriation.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Richards, Scott, Snover, Teasdale, Tomkins, Weigle, White, and Zophy—32.

Noes—None.

Absent or not voting—Senators Cunningham, Glenn, Martin A. E., Perry, Randolph, Skogmo, Stevens, True, and Weissleder—9.

And so the bill was concurred in.

No. 494, A., and

No. 951, A.,

Were each severally read a third time, and concurred in.

No. 789, A.

Upon motion of Senator Huber,
Re-referred to committee on Judiciary.

No. 729, A.

Senator Zophy offered amendment No. 1, S., which amendment was adopted.

The bill was concurred in.

Jt. Res. No. 8, S.

Upon motion of Senator Zophy,
Laid over until Wednesday, May 28, 1913.

No. 123, S.,

Was read a third time, and passed.

Jt. Res. No. 75, A.

Senator Bosshard moved that the vote by which the
was ordered to a third reading, be re-considered,
Which motion prevailed.

The resolution was then non-concurred in.

No. 816, A.

The president appointed as committee of conference
of the senate, Senators Tomkins, Bosshard and Monk.

The committee on Legislative Procedure report and
for introduction bills bearing the following revision nu
Nos. 556, 557, 558, 559, 560, 561.

H. C. MARTIN

The bills were read by title and the recommendation of
committee stood as the order of the senate.

BILLS INTRODUCED.

No. 527, S. (Revision No. 556). By Committee on
and Public Welfare. To committee on
Education and Public Welfare.

No. 528, S. (Revision No. 557). By Senator Bosshard
request). To committee on Corporations.

No. 529, S. (Revision No. 558.) By Senator Bosshard
request). To committee on Corporations.

No. 530, S. (Revision No. 559.) By Committee on
To committee on Judiciary.

No. 531, S. (Revision No. 560.) By Committee on
To committee on Judiciary.

No. 532, S. (Revision No. 561.) By Committee on
To committee on Judiciary.

ADJOURNMENT.

Upon motion of Senator Tomkins,
The senate adjourned.

BILLS FOR REVISION.

The committee on Judiciary filed two bills for revision
clerk's desk.

THURSDAY, MAY 22, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. Henry Chatterson.

The roll was called, and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Carlson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Rich-
scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True,
e, White, and Zophy—30.

Absent—Senator Randolph—1.

Absent with leave—Senator Weissleder—1.

Journal of yesterday was approved.

MOTIONS.

S. 499, S.

On motion of Senator Teasdale,
the vote by which the bill was ordered engrossed and read a
second time was reconsidered.

On motion of Senator Teasdale,
the vote by which amendment No. 1, S., was adopted was re-
considered.

Senator Teasdale offered amendment No. 1, S., to amendment
No. 1, S.

On motion of Senator H. C. Martin,
re-referred to committee on Judiciary.

S. 718, A.,

A bill to amend section 558 of the statutes, relating to the ap-
portionment of the school fund.

On motion of Senator True,

The vote by which the bill was non-concurred in, was reconsidered.

Senator Teasdale offered amendment No. 1, S.

Senator Teasdale moved that the bill be re-referred to committee on Education and Public Welfare.

The question was, Shall the bill be re-referred to committee on Education and Public Welfare?

The ayes and noes were demanded, and the vote was: Ayes, 16; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Monk, Perry, Richards, Snover, and Teasdale—15.

Noes—Senators Bosshard, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Scott, Skogmo, Stevens, Tomkins, True, Weigle, White, Zophy, and Mr. President—16.

Absent or not voting—Senators Randolph and Weissleder.
And so the senate refused to re-refer the bill.

The question then was, Shall amendment No. 1, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 20; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bishop, Culbertson, Cunningham, Glenn, Kellogg, Perry, Snover and Teasdale—10.

Noes—Senators Bichler, Bosshard, Burke, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, White and Zophy—20.

Absent or not voting—Senators Randolph, and Weissleder.
And so the amendment was refused adoption.

Senator Ackley offered amendment No. 2, S.,

Which amendment was refused adoption.

The question then was, Shall the bill be non-concurred in?

The ayes and noes were demanded and the vote was: Ayes, 22; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Culbertson, Glenn, Kellogg, Perry, Snover, and Teasdale—8.

Noes—Senators Bichler, Bishop, Bosshard, Burke, Cunningham, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, White and Zophy—22.

Absent or not voting—Senators Randolph and Weissleder.
And so the senate refused to non-concur in the bill, and therefore the bill was ordered to a third reading.

Senator Skogmo asked unanimous consent that all rules interfering be suspended, and the bill placed upon its concurrence at this time.

Senator Ackley objected.

Senator Skogmo then moved that all rules interfering be suspended, and the bill be placed upon its concurrence at this time.

question was, Shall the rules be suspended and the bill upon its concurrence at this time?

yes and noes were required, and the vote was: Ayes, 26; absent or not voting, 2, as follows:

—Senators Albers, Bichler, Bishop, Bosshard, Burke, Ham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Richards, Scott, Snover, Stevens, Tomkins, True, Weigle, White, and 26.

—Senators Ackley, Culbertson, Perry, and Teasdale—4.

at or not voting—Senators Randolph and Weissleder—2.

o the rules were suspended.

ill was read a third time.

question then was, Shall the bill be concurred in?

yes and noes were demanded, and the vote was: Ayes, 23; absent or not voting, 2, as follows:

—Senators Bichler, Bishop, Bosshard, Burke, Cunningham, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., H. C., Monk, Richards, Scott, Skogmo, Stevens, Tom-true, Weigle, White, and Zophy—23.

—Senators Ackley, Albers, Culbertson, Kellogg, Perry, and Teasdale—7.

t or not voting—Senators Randolph and Weissleder—2.

o the bill was concurred in.

PETITIONS.

633, S. By Senator Huber. To committee on Judiciary.

COMMITTEE REPORTS.

oint committee on Finance report and recommend:

1, S.,

drawal of substitute amendment No. 2, S., and passage.

34, A.,

dment No. 1, S., and concurrence.

49, S.,

ge.

95, S., and

102, S.,

nite postponement.

G. E. SCOTT,
Chairman.

committee on State Affairs report and recommend:

96, S.,

ge.

97, S.,

to committee on Judiciary.

M. F. WHITE,
Chairman.

No. **497, S.**,

Re-referred to committee on Judiciary.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed and asks concurrence in,

No. **546, A.**,

No. **736, A.**,

No. **895, A.**,

No. **966, A.**,

No. **1014, A.**,

No. **1070, A.**,

No. **1128, A.**,

No. **1143, A.**,

No. **1181, A.**, and

No. **1182, A.**

Recalled from governor, amended, and passed, as amended,
No. **835, A.**

Concurred in

No. **437, S.**,

No. **448, S.**,

No. **455, S.**, and

No. **457, S.**

Amended, and concurred in, as amended,

No. **447, S.**

Non-concurred in

No. **26, S.**,

No. **231, S.**, and

No. **419, S.**

ASSEMBLY MESSAGES CONSIDERED.

Read first time and referred.

No. **546, A.** To committee on Corporations.

No. **736, A.** To committee on Corporations.

No. **895, A.** To committee on State Affairs.

No. **966, A.** To committee on Education and Public Welfare.

No. **1014, A.** To committee on Education and Public Welfare.

No. **1070, A.** To committee on Education and Public Welfare.

No. **1128, A.** To committee on Corporations.

No. **1143, A.** To committee on Finance.

No. **1181, A.** To committee on Corporations.

o. **1182, A.** To committee on Education and Public Welfare.

o. **835, A.**, referred to calendar.

o. **52, S.**

amendment No. 1, A.

Senator Burke moved that the senate insist upon its position and for a committee of conference, which motion prevailed.

o. **250, S.**

amendment No. 1, A., concurred in.

o. **409, S.**

upon request of Senator Bosshard, placed at the foot of the calendar.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

read second time.

o. **294, S.**

substitute amendment No. 1, S., adopted.

ordered engrossed and read a third time.

o. **332, S.,**

bill to amend section 1087m—14 and subsection 1 of section m—17 of the statutes, relating to taxation of incomes,

substitute amendment No. 3, S., adopted.

ordered engrossed and read a third time.

upon motion of Senator Cunningham,

all rules interfering were suspended with unanimous consent,

the bill was placed upon its passage at this time.

the bill was read a third time.

the question was, Shall the bill pass?

the ayes and noes were required, and the vote was: Ayes, 25;

, none; absent or not voting, 7, as follows:

ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard,

bertson, Cunningham, Glenn, Huber, Husting, Kellogg, Ki-

linley, Martin A. E., Monk, Perry, Scott, Skogmo, Snover,

ens, Teasdale, Tomkins, True, Weigle, and Zophy—25.

noes—None.

absent or not voting—Senators Burke, Hoyt, Martin H. C.,

dolph, Richards, Weissleder, and White—7.

and so the bill was passed.

o. **386, S.**

upon motion of Senator Skogmo,

referred to committee on State Affairs.

o. **486, S.,**

bill to compensate George B. Skogmo, Robert Glenn, L. G.

ogg, E. J. Kneen, J. A. Chinnoek, and Henry Laycock for

expenses incurred as members of a committee of the legislature to confer with a committee of the legislature of Minnesota, relating to uniform and reciprocal laws relating to the taking of fish in all boundary waters between Minnesota and Wisconsin, including Lake Pepin and Lake St. Croix, appointed pursuant to Joint Resolution No. 32, S., adopted by the legislature of 1913; and to compensate C. A. Leicht and George Wagner for expenses incurred in accompanying said committee at its request, and making an appropriation therefor,

Ordered engrossed and read a third time.

Upon motion of Senator Scott, and with unanimous consent,

All rules interfering were suspended, and the bill was placed upon its passage at this time,

The bill was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Monk, Scott, Snover, Teasdale, Tomkins, True, Weigle, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Burke, Glenn, Kellogg, Martin H. C., Perry, Randolph, Richards, Skogmo, Stevens, and Weissleder—10.

And so the bill was passed.

No. **395, S.**,

Indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read a second time.

No. **1119, A.**, and

No. **1179, A.**,

Were each severally ordered to a third reading.

No. **490, A.**

Upon motion of Senator Huber,
Re-referred to committee on Finance.

No. **601, A.**

Upon motion of Senator Tomkins,
Placed at foot of the calendar.

No. **1178, A.**

Amendment No. 1, S., adopted.

Ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. 514, S.,

A bill to create section 170m of the statutes, fixing the salary and compensation of certain officers therein named and authorizing the heads of the several offices, commissions, boards, and bodies to appoint necessary assistants and subordinates and to fix their compensation.

Senator Tomkins, with unanimous consent, offered amendment No. 2, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 9; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Glenn, Huber, Kileen, Martin A. E., Perry, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, True, Weigle, White, and Zophy—16.

Noes—Senators Ackley, Bichler, Bishop, Culbertson, Hoyt, Husting, Kellogg, Linley, and Monk—9.

Absent or not voting—Senators Albers, Burke, Cunningham, Martin H. C., Randolph, Stevens, and Weissleder—7.

And so the amendment was adopted.

The bill was read a third time.

The question then was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 3; absent or not voting, 8, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Tomkins, True, Weigle, and Zophy—21.

Noes—Senators Hoyt, Husting, and Teasdale—3.

Absent or not voting—Senators Ackley, Albers, Burke, Kileen, Randolph, Stevens, Weissleder and White—8.

And so the bill was passed.

No. 148, A.,

A bill to create subsection 4 of section 1498 of the statutes, relating to the state fish and game warden.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Cunningham, Glenn, Hoyt, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, True, Weigle, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Albers, Burke, Culbertson, Huber, Kileen, Randolph, Stevens, Weissleder, and White—10.

And so the bill was concurred in.

No. 949, A.,

A bill to create section 1975m of the statutes, relating to payment of fees by insurance companies or fraternal benefit societies, and making an appropriation.

Was read third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 13; noes, 3; absent or not voting, 9, as follows:

Ayes—Senators Bichler, Bosshard, Cunningham, Glenn, Hubertson, Hustung, Kellogg, Linley, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, True, Wagoner, and Zophy—20.

Noes—Senators Bishop, Hoyt, and Martin A. E.—3.

Absent or not voting—Senators Ackley, Albers, Burker, Hubertson, Kileen, Randolph, Stevens, Weissleder, and Whitcomb—9.

And so the bill was concurred in.

No. 1124, A.,

A bill to amend section 1494x—1, 1494x—2, subsection 1 of section 1494x—3, 1494x—5, 1494x—8 and 1494x—10 to 1494x—13, inclusive, and to repeal sections 1494x—4, 1494x—6, 1494x—7, and to create sections 1494x—4, 1494x—6 and 1494x—7 of the statutes, relating to the examination and inspection of seeds.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 13; noes, 3; absent or not voting, 9, as follows:

Ayes—Senators Bichler, Bosshard, Cunningham, Glenn, Huber, Hustung, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Tomkins, Wagoner, Weigle, and Zophy—20.

Noes—Senators Bishop, Perry, and Teasdale—3.

Absent or not voting—Senators Ackley, Albers, Burker, Hubertson, Kileen, Randolph, Stevens, Weissleder, and Whitcomb—9.

And so the bill passed.

And so the bill was concurred in.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Cunningham until Friday, May 26, Senator Richards until Tuesday, May 27, Senator Culbertson until Wednesday, May 28, and to Senator Monk until Monday, June 2, 1913.

Upon request of Senator A. E. Martin,

Leave of absence was granted to Senator Stevens until Friday, May 29, 1913.

RECESS.

Upon motion of Senator Zophy,

The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **294, S.**,

Correctly engrossed.

BILLS FOR REVISION.

Committee on State Affairs filed one bill for revision at the clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **361, A.**,

No. **554, A.**,

No. **627, A.**,

No. **921, A.**,

No. **952, A.**,

No. **1015, A.**,

No. **1061, A.**,

No. **1094, A.**,

No. **1097, A.**,

No. **1102, A.**,

No. **1140, A.**,

No. **1149, A.**, and

No. **1161, A.**,

Were each severally read a third time, and concurred in.

No. **601, A.**

Upon motion of Senator Zophy,

Laid over until Thursday, May 29, 1913.

No. **409, S.**

Senator Bosshard offered amendment No. 1, S., to substitute amendment No. 1, A.

Which amendment was adopted.

Senator Bosshard offered amendment No. 2, S., to substitute amendment No. 1, A.,

Which amendment was adopted.

Substitute amendment No. 1, A., as amended, concurred in.

MOTIONS.

Jt. Res. No. 75, A.

Senator Skogmo moved that the vote by which Jt. Res. No. 75, A., was non-concurred in, be reconsidered.

Senator Bosshard rose to a point of information whether Senator Skogmo voted with the majority.

Senator Skogmo stated that he was not present when the vote was taken.

The president held the motion of Senator Skogmo out of order.

Senator Zophy moved that the vote by which Jt. Res. No. 75, A., was non-concurred in, be reconsidered, and that the motion be laid over until Wednesday, May 28, 1913.

Senator Linley rose to a point of parliamentary inquiry, whether the vote by which the resolution was ordered to a third reading having been reconsidered, it was in order to move that the vote by which the resolution was non-concurred in, be reconsidered.

The president held the motion by Senator Zophy in order.

The senate refused to lay over the motion to reconsider.

The senate then refused to reconsider the vote by which the resolution was non-concurred in.

No. 232, S.

Upon motion of Senator Perry, and with unanimous consent,
Recalled from committee on Corporations, and withdrawn.

Senator Tomkins, for the special committee on Conservation, with unanimous consent, offered substitute amendment No. 1, S., to No. 487, A., and substitute amendment No. 1, S., to No. 431, S.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. 58, S.,

Adoption of substitute amendment No. 2, S., and passage, Senators Burke and Weissleder dissenting.

No. 461, S.,

Adoption of substitute amendment No. 1, S., and passage.

No. 522, S.,

Passage.

No. 383, A.,

Concurrence, Senators Tomkins and Husting dissenting.

No. 116, A.,

Adoption of amendment No. 1, S., and concurrence.

No. 1165, A.,

Adoption of substitute No. 1, S., and concurrence.

No. 386, A., and

No. 756, A.,

Non-concurrence.

E. F. KILEEN,
Chairman.

The committee on Corporations report and recommend:

No. **100, S.**,

Indefinite postponement.

No. **434, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **500, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **507, S.**,

Passage.

No. **82, A.**,

No. **230, A.**,

No. **658, A.**,

No. **908, A.**,

No. **909, A.**,

No. **958, A.**, and

No. **1150, A.**,

Concurrence.

No. **1058, A.**,

Non-concurrence.

Senators A. E. Martin and Weigle dissenting.

OTTO BOSSHARD,

Chairman.

The committee on Education and Public Welfare report and recommend:

No. **17, A.**,

Non-concurrence, Senators Ackley, Albers and Perry dissenting.

No. **62, A.**,

No. **190, A.**,

No. **413, A.**,

No. **719, A.**, and

No. **1112, A.**,

Non-concurrence.

No. **296, A.**,

No. **938, A.**, and

No. **1092, A.**,

Concurrence.

No. **261, A.**,

Non-concurrence, Senator Ackley dissenting.

No. **925, A.**,

Non-concurrence, Senator Ackley dissenting.

HOWARD TEASDALE,

Chairman.

No. **434, S.**

Upon request of Senator Bosshard,

All rules interfering, were suspended with unanimous consent and the bill was placed upon its passage at this time.

Substitute amendment No. 1, S., adopted.

The bill was read a third time, and passed.

Upon request of Senator Bosshard, and with unanimous consent,
Ordered messaged to the assembly at once.

No. **58, S.**

Upon request of Senator Linley,
Ordered placed on calendar for Wednesday, May 28, 1913.

The committee on Legislative Procedure report and recommend
for introduction bills bearing the following revision numbers:

Nos. 555, 562, 563.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the
committee stood as the order of the senate.

BILLS INTRODUCED.

No. **533, S.** (Revision No. 555). By Senator Skogmo. To
committee on Finance.

No. **534, S.** (Revision No. 562). By Committee on Judiciary.
To committee on Judiciary.

No. **535, S.** (Revision No. 563). By Committee on Judiciary.
To committee on Judiciary.

ADJOURNMENT.

Upon motion of Senator Biehler,
The senate adjourned.

BILLS FOR REVISION.

The committee on Corporations filed two bills for revision at the
clerk's desk.

FRIDAY, MAY 23, 1913.

Senate met.
President in the chair.
Prayer was offered by the Rev. J. Henry Chatterson.
Motion of Senator Scott,
calling of the roll was dispensed with.

Journal of yesterday was approved.

MOTIONS.

Senator Scott moved that the vote by which No. **514, S.**, was
previously reconsidered, and that this motion lie over until Tues-
day 27, 1913.
The motion prevailed.

COMMUNICATION TO THE SENATE.

MADISON, Wisconsin, May 23, 1913.

CLERK, Senate,
Madison, Wis.

Sir: In compliance with the provisions of Joint Resolu-
tion 5, S., I am transmitting herewith list of those registered
as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Table showing Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

Beuscher, 503 Majestic Bldg., Milw., representing Mil-
waukee Western Railway Company, upon Municipalities and Rail-
road Legislation.

Charles S. Birghe, Superior, Wis., representing himself upon
Municipalities and Plats.

L. D. Hastings, Jr., Sec'y, Green Bay, Wis., representing Barkhausen Oil Co., Green Bay, Wis., upon bill No. **77**,

L. R. Moore, President, Sparta, Wis., representing Wisconsin Jewelers' Club, upon Fraudulent Advertising.

H. R. Pestalozzi, City Hall, Milwaukee, representing upon bill No. **837, A.**

Henry F. Stecher, Treas., 273 Third St., Milwaukee, representing Wisconsin Retail Jewelers' Association, upon fraudulent advertising.

Walter H. Bender, 1238 Wells Bldg., Milwaukee, representing National League for Medical Freedom, Frank Phelps, Treas., 308 Wells Bldg., Milwaukee, upon matters affecting requirements for practice of art and science of healing diseases, bill No. **397, S.**

M. P. Richardson, Janesville, Wis., representing Scientists of Wisconsin, upon medical bills.

COMMITTEE REPORTS.

The committee on Education and Public Welfare recommends:

No. **142, S.**,

Adoption of amendment No. 1, S., and passage.

No. **260, A.**,

Adoption of amendment No. 2, S., and concurrence.

No. **518, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **568, A.**,

Adoption of amendment No. 1, S., and concurrence,

No. **641, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **1142, A.**,

Adoption of amendment No. 1, S., and concurrence, Teasdale and Perry dissenting.

HOWARD TEASDALE

Chairman

No. **142, S.**,

Re-referred to committee on Finance under the rules.

The joint committee on Finance report and recommends:

No. **206, S.**,

Indefinite postponement.

No. **341, S.**,

Amendment No. 1, S., and passage.

No. **489, S.**,

Amendment No. 1, S., and passage.

No. **510, S.**,

Amendment No. 1, S., and passage.

G. E. SCOTT,
Chairman Senate Com.

R. J. NYE,
Chairman Assembly Com.

The committee on State Affairs report and recommend:

No. **494, S.**,

Passage.

No. **332, A.**,

Adoption of amendment No. 2, S., and concurrence.

No. **356, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **279, A.**,

No. **825, A.**, and

No. **1177, A.**,

Non-concurrence.

No. **890, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **896, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **336, A.**, and

No. **1101, A.**,

Concurrence.

M. F. WHITE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

No. **613, A.**, and

No. **741, A.**

Concurred in substitute amendment No. 1, S., to

No. **1018, A.**

Non-concurred in

No. **285, S.**

And refuses to order to a third reading

No. **444, S.**

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **324, A.**

Upon motion of Senator Skogmo,
Laid over until Tuesday, May 27, 1913.

ADJOURNMENT.

Upon motion of Senator H. C. Martin,
The senate adjourned until Monday, May 26, 1913, at 9 o'clock
p. m.

CLERK'S REPORT.

The chief clerk records:

No. **180, S.,**

No. **188, S.,**

No. **298, S.,**

No. **309, S.,**

No. **347, S.,**

No. **352, S.,**

No. **414, S.,** and

No. **427, S.,**

Correctly enrolled at 11:45 o'clock a. m.

BILLS FOR REVISION.

Senator Scott filed one bill for revision at the chief clerk's
desk.

MONDAY, MAY 26, 1913.
9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. C. H. Thomas of St. Paul's A. M. E. Church, Madison, Wis.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—25.

Absent—Senators Bichler, Linley, Weigle, and White—4.

Absent with leave—Senators Richards, Stevens, and Weissleder—3.

The journal of Friday, May 23, 1913, was approved.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 51, S.,

Resolved by the senate, the assembly concurring, That the governor be requested to return for correction bill No. **153, S.**

By Senator Monk.

Adopted.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 564, 565, 566.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

- No. **536, S.** (Revision No. 564). By Committee on State Affairs. To committee on State Affairs.
- No. **537, S.** (Revision No. 565). By Committee on Corporations. To committee on Corporations.
- No. **538, S.** (Revision No. 566). By Committee on Corporations. To committee on Corporations.
-

PETITIONS.

- Pet. No. 634, S. By Senator Hoyt To committee on Education and Public Welfare.
-

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

Jt. Res. No. 60, A.,

Concurrence.

No. **83, S.**,

Amendment No. 1, S., to substitute amendment No. 1, S., and passage.

No. **118, S.**,

Amendment No. 1, S., and passage.

No. **205, S.**,

Passage.

No. **474, S.**

Indefinite postponement, Mr. Roessler dissenting.

No. **480, S.**,

Indefinite postponement, Mr. Smith dissenting.

G. E. SCOTT,

Chairman, Senate Committee.

R. J. NYE,

Chairman, Assembly Committee.

The special committee on Insurance report and recommend:

No. **268, S.**,

Passage.

No. **295, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **903, A.**,

Concurrence.

G. E. SCOTT,

Chairman.

EXECUTIVE COMMUNICATIONS.

Honorable, the Senate:

following bills, originating in the senate, have been re-
approved and deposited in the office of the secretary of

368, S.,

to amend section 926—15 of the statutes, relating to
ements in cities of the third and fourth class and in

sited May 3rd.

31, S.,

to amend section 2849 of the statutes, relating to the
ations of jurors.

sited May 2nd.

402, S.,

to create subsection 12 of section 4560a—12 of the
, relating to closed season for fishing in Eagan's Lake in
ara county.

sited May 2nd.

38, S.,

to amend section 1770j of the statutes, relating to titles
property acquired by foreign corporations before being
d to do business pursuant to section 1770b of the statutes.

sited May 12th.

435, S.,

to amend section 553p—10 and to create subsections 4
clusive, section 172—49 of the statutes, relating to cor-
of appropriation clauses for Stout institute, and making ap-
tions.

sited May 13th.

405, S.,

to amend section 1080 of the statutes, relating to amount
of municipal treasurers.

sited May 9th.

37, S.,

to create subdivision (4) of section 2586 of the statutes,
y to attorneys at law.

sited May 9th.

128, S.,

to amend section 4569 of the statutes, relating to libel.

sited May 10th.

258, S.,

to create section 2405m of the statutes, relating to the
of the supreme court on appeal.

sited May 12th.

No. 269, S.,

An act to create section 3219m of the statutes, requiring to the commissioner of insurance in actions or proceedings against an insurance company for an injunction or receiver.

Deposited May 10th.

No. 72, S.,

An act to amend subsection 1 of section 2464 of the statutes relating to special terms of county courts.

Deposited May 9th.

No. 86, S.,

An act to amend section 3315 of the statutes, relating to contractor's and laborer's liens.

Deposited May 12th.

No. 276, S.,

An act to amend section 1416—19 of the statutes, providing for a local and state conference of health officers.

Deposited May 9th.

No. 342, S.,

An act to repeal subdivision (c) of subsection 1, and subsections 2 and 8 of section 1915, and sections 1953, 1966—1, and 1966—32; to create subdivision (c) of subsection 1, and subsection 2 of section 1915, and section 1915m, of the statutes, relating to the admission and licensing of insurance companies and insurers, and providing a penalty.

Deposited May 10th.

No. 401, S.,

An act to create section 1416—13a of the statutes, relating to the employment of nurses by cities.

Deposited May 9th.

No. 406, S.,

An act to amend subsection 1 of section 1898 of the statutes, relating to maximum of single risks and reinsurance.

Deposited May 9th.

No. 193, S.,

An act to repeal section 1943a, of the statutes, and to create section 1943a, relating to conditions affecting policies of insurance, and providing a penalty.

Deposited May 10th.

No. 255, S.,

An act to confer civil and criminal jurisdiction on the court of La Fayette county.

Deposited May 15th.

No. 396, S.,

An act to amend subsections 1 and 10 of section 1419, to create subsection 1a and 12, of section 1419 of the statutes, relating to poisonous drugs, and providing a penalty.

Deposited May 14th.

S. 407, S.,

an act to amend subdivision (a) of section 1797—2 of the statutes, relating to district telegraph messenger companies.
deposited May 10th.

S. 120, S.,

an act to appropriate to Alfred Yankauer a sum of money therein named.
deposited May 14th.

S. 13, S.,

an act to amend sections 258a and 261 of the statutes, relating to the rate of interest on municipal and school district loans.
deposited May 15th.

S. 443, S.,

an act to appropriate a certain sum of money to H. A. Huber, J. Kneen, S. C. Goff, A. R. Potts, Martin Gorecki, and G. E. [unclear], to cover expenses incurred by the committee appointed by the governor, under the provisions of chapter 410 of the laws of [unclear], to visit the state charitable and penal institutions.
deposited May 15th.

ated Madison, Wisconsin, May 23rd, A. D. 1913.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

MESSAGES FROM THE ASSEMBLY.

by C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

am directed to inform you that the assembly has concurred in

S. 145, S.,

S. 155, S.,

S. 310, S.,

S. 364, S.,

S. 418, S.,

S. 433, S.,

S. 462, S.,

S. 463, S.,

S. 464, S.,

S. 467, S.,

S. 471, S.,

S. 476, S.,

S. 477, S.,

S. 483, S., and

S. 493, S.

as amended, and concurred in, as amended,

S. 451, S.

Has non-concurred in

No. **245, S.**

Has passed, and asks concurrence in,

No. **106, A.,**

No. **107, A.,**

No. **137, A.,**

No. **213, A.,**

No. **286, A.,**

No. **429, A.,**

No. **509, A.,**

No. **657, A.,**

No. **687, A.,**

No. **863, A.,**

No. **866, A.,**

No. **869, A.,**

No. **870, A.,**

No. **937, A.,**

No. **1032, A.,**

No. **1088, A.,**

No. **1118, A.,**

No. **1125, A.,**

No. **1130, A.,**

No. **1164, A.,** and

No. **1172, A.**

Has recalled from the governor, amended, and passed, as amended,

No. **425, A.,**

No. **547, A.,** and

No. **596, A.**

Has non-concurred in amendment No. 1, S., to

No. **772, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **106, A.** To committee on Corporations.

No. **107, A.** To committee on Education and Public Welfare.

No. **137, A.** To committee on State Affairs.

No. **213, A.** To committee on Finance.

No. **286, A.** To committee on Education and Public Welfare.

No. **429, A.** To committee on Judiciary.

No. **509, A.** To calendar.

No. **657, A.** To committee on Corporations.

No. **687, A.** To committee on Corporations.

- No. **863, A.** To committee on Education and Public Welfare.
No. **866, A.** To committee on State Affairs,
No. **869, A.** To committee on Corporations.
No. **870, A.** To committee on State Affairs.
No. **937, A.** To calendar.
No. **1032, A.** To calendar.
No. **1088, A.** To committee on Education and Public Welfare.
No. **1118, A.** To committee on Education and Public Welfare.
No. **1125, A.** To calendar.
No. **1130, A.** To committee on Corporations.
No. **1164, A.** To committee on Corporations.
No. **1172, A.** To committee on Corporations.
No. **447, S.,**
Amendment No. 1, A., concurred in.
No. **835, A.**
Senator Scott, with unanimous consent, moved that the vote by which the bill was concurred in be reconsidered,
Which motion prevailed.
Substitute amendment No. 1, A., concurred in.
The bill, as amended, was then concurred in.
-

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

- No. **21, S.**
Substitute amendment No. 2, S., withdrawn.
Ordered engrossed and read a third time.
Read second time.
No. **449, S.,**
No. **496, S.,**
No. **507, S.,** and
No. **522, S.,**
Were each severally ordered engrossed and read a third time.
No. **461, S.**
Substitute amendment No. 1, S., adopted.
Ordered engrossed and read a third time.
No. **500, S.,**
Substitute amendment No. 1, S., adopted.
Ordered engrossed and read a third time.

No. **100, S.**,
 No. **495, S.**, and
 No. **502, S.**,
 Severally indefinitely postponed.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
 THIRD READING.**

Read a second time.

No. **82, A.**,
 No. **296, A.**,
 No. **658, A.**,
 No. **908, A.**,
 No. **909, A.**,
 No. **938, A.**,
 No. **958, A.**,
 No. **1092, A.**, and
 No. **1150, A.**,

Was each severally ordered to a third reading.

No. **116, A.**,

A bill to create section 2774a of the statutes, relating to the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Senator Glenn moved that the bill be re-referred to committee Judiciary.

Which motion was lost.

The chief clerk, under rule 32, corrects amendment No. 1, to bill No. **116, A.**, by adding thereto the following:

Amend the title by striking out the words "and proceed thereon, and to limit the meaning of 'conspiracy' in certain cases."

Amendment No. 1, S.

Senator Husting moved that the amendment be rejected.

The question was, Shall the amendment be rejected?

The ayes and noes were demanded, and the vote was: Ayes, noes, 11; absent or not voting, 9, as follows:

Ayes—Senators Bosshard, Culbertson, Hoyt, Husting, Kello, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, and Zophy—12.

Noes—Senators Ackley, Albers, Bishop, Cunningham, Gleason, Huber, Kileen, Martin A. E., Perry, Snover and Teasdale—11.

Absent or not voting—Senators Bichler, Burke, Linley, Richards, Stevens, True, Weigle, Weissleder, and White—9.

And so the amendment was rejected.

The question then was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was: Ayes, noes, 11; absent or not voting, 9, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Husting, Kellogg, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, and Zophy—12.

Noes—Senators Ackley, Albers, Bishop, Culbertson, Cunningham, Glenn, Kileen, Martin A. E., Perry, Snover and Teasdale—11.

Absent or not voting—Senators Bichler, Burke, Linley, Richards, Stevens, True, Weigle, Weissleler, and White—9.

And so the bill was ordered to a third reading.

No. **230, A.**

Upon motion of Senator Scott,

Re-referred to committee on Corporations.

No. **434, A.**

The chief clerk, under rule 32, made the following correction to amendment No. 1, S., to bill No. **434, A.**: "Insert the word 'and' before the word 'Rock' where it appears in line 2 of the printed amendment.

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. **1165, A.**

Substitute amendment No. 1, S., adopted.

Ordered to a third reading.

No. **413, A.**

Upon motion of Senator Zophy,

Laid over until Wednesday, May 28, 1913.

No. **190, A.,**

No. **386, A.,**

No. **756, A.,** and

No. **1112, A.,**

Were each severally non-concurred in.

No. **62, A.**

Upon motion of Senator Perry,

Laid over until Wednesday, May 28, 1913.

No. **719, A.**

Upon motion of Senator Perry,

Laid over until Wednesday, May 28, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **1119, A.,**

No. **1178, A.,** and

No. **1179, A.,**

Were each severally read a third time and concurred in.

ADJOURNMENT.

Upon motion of Senator Husting,
The senate adjourned.

The chief clerk under senate rule 32, makes the following rections in enrolled bill No. **484, S.**:

Strike the letter "i" out of the word "Plondike" in line 3, p. 3, of the enrolled bill; add the words "mouth of" after the word "of the" in line 5, page 3; inserting the word "the" before word "Chippewa" in line 6, page 3.

The chief clerk under rule 32 corrected enrolled bill **247, S.**, by changing "Section 3923m—12" to read "Section 392em—12" where the same occurs in line two; also by changing subsection "2" to read subsection "21" where the same occurs in line four on page two.

F. M. WYLIE,
Chief Clerk

CLERK'S REPORT.

The chief clerk records:

No. **14, S.**,
No. **22, S.**,
No. **69, S.**,
No. **124, S.**,
No. **133, S.**,
No. **247, S.**,
No. **284, S.**,
No. **390, S.**,
No. **436, S.**,
No. **439, S.**,
No. **445, S.**,
No. **484, S.**, and
No. **501, S.**,

Correctly enrolled at 8:15 o'clock p. m.

BILLS FOR REVISION.

The special committee on Insurance filed one bill, and committee on Corporations filed one bill for revision at clerk's desk.

TUESDAY, MAY 27, 1913.
10:00 O'CLOCK A. M.

The senate met.
The president pro tempore in the chair.
Prayer was offered by the Rev. C. H. Thomas.
The roll was called and the following senators answered to their
names:
Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke,
Curtson, Cunningham, Glenn, Hoyt, Huber, Husting, Kel-
ley, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry,
Polph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale,
Watkins, True, Weissleder, White, and Zophy—31.
Absent—Senator Weigle—1.

The journal of yesterday was approved.

PETITIONS.

No. 635, S. By Senator Linley. To committee on Corporations.

No. 636, S. By Senator Linley. To committee on Education and Public Welfare.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

I return herewith, without approval, bill No. **225, S.**, entitled, "An act to amend section 12 of the statutes, extending the right of suffrage to women."

At the recent presidential election a proposal to extend suffrage to women was defeated in this state by a majority of over 92,000 votes. Immediately to resubmit precisely the same question for determination by the voters at the approaching state election cannot be justified.

Article 3, section 1 of the Constitution of Wisconsin, enumerates the classes of persons entitled to vote and continues as follows:

"Provided that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast at such election."

The method whereby a change in this part of the constitution may be secured thus differs from that for bringing about amendment of any other portion of our fundamental law mainly in requiring favorable legal action at a single session of the legislature, instead of by the concurrence of two succeeding legislatures in support of a joint resolution. But here as in other cases the popular vote must be taken at a general election—not necessarily the next succeeding general election, but any general election. In other words, this legislature may provide by law for the resubmission of this question at the November election in 1914, 1916, or any later time.

It seems to me no good reason can be given for the immediate resubmission of the proposed amendment. Since the decisive vote of last November the general situation with respect to woman suffrage in Wisconsin has not changed. At least nothing has occurred to justify a belief that if this issue were immediately resubmitted to the people the majority against it would not be even larger than before. The result of the recent election in

is some indication that this would be the case. From taken here it is evident that our people do not consider experience of the Rocky Mountain states, such as Colorado, and Wyoming, relevant or even enlightening. Very few other states comparable to our own in population, conditions, and industrial development, such as Kansas, Iowa, and Washington, have decided to try the experiment. Our experience is yet altogether too brief to afford any indication of what we should do. If this question be again forced upon the people of Wisconsin for decision at the election in November, 1914, they will be compelled to act upon it with no more guidance to guide them than they had last year. If, however, the question be deferred until 1916 or later there is a chance at least that the experience of other states similar in many respects to our own will furnish guidance not available now. It would seem to be the part of wisdom to wait until we can avail ourselves of the instruction to be derived from the trial of woman suffrage in these states before we again vote upon this question. This is not all. Wisconsin stands for popular rule. We rely upon the judgment and good sense of the average voter. We believe in the initiative and the referendum. But if the referendum is a good thing, manifestly the results of a referendum should be properly respected. Such respect will not be shown almost as soon as the outcome of last year's vote upon woman suffrage has been announced exactly the same proposal be immediately resubmitted without a single new fact or argument to support it. Such action by the legislature can have but one result—that of speedily bringing the principle of the referendum into disrepute.

Another additional reason against hasty action in this matter is that the decision of suffrage such as this bill proposes once made is irrevocable. It is a step that once taken cannot easily be retracted. No matter how erroneous such a decision may later be found to be, no matter how soon the people may discover it to be erroneous, or how clearly its unwisdom may be demonstrated, the decision of suffrage once conferred cannot readily be recalled. The repeal of such a repeal would stand not only most of its former opponents and supporters but all the newly enfranchised voters, whose opinions might have been prior to the change, who would naturally would resent its subsequent withdrawal as a re-

flection upon themselves. So woman suffrage may be again and again without being finally denied; but carry and the contest will be at an end. It is a change that should not be made precipitately or at a time when part of the voters are likely to go to the polls. This was the view entertained by the last legislature when it put the question to popular vote at a presidential election. The fullest and truest expression of public opinion may be given when the largest vote is cast. At such an election last November a proposal contained in this bill was submitted and was overwhelmingly rejected. Were an attempt now made to resubmit the question at a presidential election in 1916, I should not feel justified in holding my approval. But I do not consider that the passage of this bill, providing as it does for a vote next year, is unlikely there will be as full attendance at the polls, is not in accord with a proper respect for the deliberate judgment of the people of the state, so recently and fully registered.

If there is to be reconsideration of the vote upon this question taken last fall, it should be later and at an election when the popular vote will be equally large and inclusive. No other course will prove in the end either satisfactory or defensible. It is nothing to prevent the present legislature from doing otherwise than providing now for the submission of this question at a presidential election in 1916. If this bill so provided I should have no objection, but I cannot approve it in its present form.

Respectfully submitted,
FRANCIS E. McGOVERN

G

May 27, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT,

I am directed to inform you that the assembly has passed the following in

Amendment No. 1, S., to No. **418, A.**,

Amendment No. 1, S., to No. **919, A.**,

Amendment No. 1, S., to No. **920, A.**,

Substitute amendment No. 1, S., to No. **1044, A.**

Has passed, and asks concurrence in,

No. **498, A.**,

No. **691, A.**

called from governor, amended, and passed, as amended,
7, A.

ncurred in

1, S.,

8, S.,

. No. 43, S., and

. No. 51, S.

ASSEMBLY MESSAGE CONSIDERED.

first time and referred.

8, A. To committee on Judiciary.

1, A. To special committee on Insurance.

MOTIONS CONSIDERED.

4, S.

motion of Senator Scott,

at the foot of the calendar.

AND RESOLUTIONS READY FOR ENGROSS-
 MENT.

1, S.

ment No. 1, S., adopted.

r Tomkins offered amendment No. 2, S.

amendment was adopted.

d engrossed and read a third time.

35, S.

motion of Senator Skogmo,

at foot of the calendar.

second time.

39, S.

ment No. 1, S., adopted.

d engrossed and read a third time.

44, S.,

d engrossed and read a third time.

0, S.

ment No. 1, S., adopted.

d engrossed and read a third time.

06, S.

sion, was called for, and the senate refused to indefinitely
 the bill, and thereby ordered it engrossed and read a
 e.

BILLS AND RESOLUTIONS TO BE ORDERED TO
READING.

Read a second time.

No. **260, A.**

Amendment No. 2, S., adopted.

Ordered to a third reading.

No. **332, A.**

Amendment No. 2, S, adopted,

Ordered to a third reading.

No. **336, A.**

Ordered to a third reading.

No. **356, A.,**

Substitute amendment No. 1, S., adopted.

Ordered to a third reading.

No. **383, A.**

Upon request of Senator Kileen,

Laid over until Thursday, May 29, 1913.

No. **518, A.**

Upon request of Senator Teasdale,

Laid over till Thursday, May 29, 1913.

No. **568, A.**

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. **641, A.**

Substitute amendment No. 1, S., adopted.

Ordered to a third reading.

No. **890, A.**

Upon request of Senator True,

Laid over until Thursday, May 29, 1913.

No. **896, A.**

Upon motion of Senator Hoyt,

Re-referred to committee on State Affairs.

No. **1101, A.**

Was refused a third reading.

No. **1142, A.,**

A bill to create section 439aa of the statutes, relating to attendance at continuation schools.

Amendment No. 1, S., adopted.

The question was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was: Ayes, 20; absent or not voting, 1, as follows:

Ayes—Senators Albers, Bosshard, Glenn, Huber, Linhart, H. C., Randolph, Scott, Skogmo, True, and Zophy—

Noes—Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Monk, Perry, Richards, Snover, Stevens, Teasdale, Tomkins, Weissleder, and White—20.

Absent or not voting—Senator Weigle—1.

And so the senate refused to order the bill to a third reading.

No. 17, A.

A bill to repeal sections 94—20, 94—21, 94—22, 94—23, 94—24, 94—25, 94—26, and 94—27 of the statutes, relating to the primary and election pamphlet.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 14; absent or not voting, 2, as follows:

Ayes—Senators Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, Tomkins, True, and White—16.

Noes—Senators Ackley, Albers, Bichler, Bishop, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Weissleder, and Zophy—14.

Absent or not voting—Senators Teasdale and Weigle—2.

And so the bill was non-concurred in?

No. 261, A.

Upon motion of Senator Burke, and with unanimous consent, Laid over until Wednesday, May 28, 1913.

No. 279, A.,

Was non-concurred in.

Senator Hoyt moved that the vote by which the bill was non-concurred in be reconsidered, and that the motion be laid over until Thursday, May 29, 1913.

A division was called for, and the senate refused to reconsider the vote by which the bill was non-concurred in.

No. 325, A.

Senator Hoyt moved that the bill be laid over until Thursday, May 29, 1913,

Which motion was lost.

The bill was then non-concurred in.

No. 337, A.

Senator Zophy moved that the bill be laid over until Thursday, May 29, 1913,

Which motion was lost.

The bill was then non-concurred in.

RECESS.

Upon motion of Senator Husting,

The senate took a recess until 7:30 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **341, S.**,

No. **461, S.**,

No. **489, S.**,

No. **500, S.**, and

No. **510, S.**,

Correctly engrossed.

BILLS FOR REVISION.

The special committee appointed under Joint Resolution No. 32, S., filed one bill, and Senator Teasdale filed one bill for revision at the clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

MOTIONS.

Senator Skogmo, with unanimous consent, moved that the vote by which No. **279, A.**, and No. **825, A.**, were non-concurred in, be reconsidered.

Which motion prevailed.

Upon motion of Senator Skogmo,

The bills were re-referred to committee on Corporations.

The senate took up the unfinished calendar.

Read a second time.

No. **1058, A.**

The senate refused to non-concur in the bill and thereby ordered it to a third reading.

Upon motion of Senator Skogmo,

All rules interfering were suspended, with unanimous consent, and the bill was placed upon its concurrence at this time.

No. **1058, A.**,

A bill to renumber and amend sections 17870—1 and 17870—2, to renumber, consolidate and revise sections 17870—3, 17870—3a

70—3b, to create section 697—73, and to repeal sections 4 and 17870—5 of the statutes, relating to a county park in counties of at least one hundred and fifty thousand and providing a tax therefor.

a third time.

question was, Shall the bill be concurred in?

Ayes and noes were demanded, and the vote was: Ayes, 28; none; absent or not voting, 4, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Phelps, Richards, Skogmo, Snover, Stevens, Teasdale, True, Weissleder, and Zophy—28.

—None.

absent or not voting—Senators Glenn, Scott, Weigle, and Zophy—4.

so the bill was concurred in.

1177, A.

second time, and non-concurred in.

ILLS AND RESOLUTIONS READY FOR THIRD READING.

324, S.,

to authorize the erection, construction and maintenance of a wagon bridge across the Wisconsin river in the counties of Sauk and Columbia at or near the village of Merrimac, Sauk County, Wisconsin, and to make the state park at Devils Lake accessible, and making an appropriation therefor, and read a third time.

question was, Shall the bill pass?

Ayes and noes were required, and the vote was: Ayes, 20; none; absent or not voting, 3, as follows:

—Senators Bishop, Bosshard, Culbertson, Glenn, Hoyt, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, and Zophy—20.

—Senators Ackley, Albers, Burke, Cunningham, Husting, Snover, Teasdale, and Weissleder—9.

absent or not voting—Senators Bichler, Weigle, and White—3. so the bill was passed.

324, A.,

to provide for the representation of the state of Wisconsin at the Panama Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama Canal, and making an appropriation therefor, and read a third time.

question was, Shall the bill be concurred in?

52—S. J.

The ayes and noes were required, and the vote was: Ayes, 27; noes, 2; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weissleder, and Zophy—27.

Noes—Senators Randolph and Teasdale—2.

Absent or not voting—Senators Bichler, Weigle, and White—3.

And so the bill was concurred in.

Placed at foot of calendar.

No. 514, S.,

A bill to create section 170m of the statutes, fixing the salary and compensation of certain officers therein named and authorizing the heads of the several offices, commissions, boards, and bodies to appoint necessary assistants and subordinates, and to fix their compensation.

The vote by which passed reconsidered.

The question then was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 28; noes, 3; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—28.

Noes—Senators Albers, Husting, and Kellogg—3.

Absent or not voting—Senator Bichler—1.

And so the bill was passed.

No. 925, A.

Read second time.

Non-concurred in.

No. 485, S.,

A bill to create section 959—300 of the statutes, with reference to tracks for street railways laid by cities upon and along bridges and viaducts within such cities and authorizing cities to sell the same.

Senator Bosshard offered amendment No. 2, S.,

Which amendment was adopted

Senator Skogmo offered amendment No. 3, S.

Senator Richards asked unanimous consent, that the bill be laid over until Wednesday, May 28.

Senator A. E. Martin objected.

Senator Weissleder moved the previous question upon the amendment and the bill.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 30; noes, none; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard,

Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Teasdale, Weigle, Weissleder, White, and Zophy—30.

—None.

ent or not voting—Senators Stevens and True—2.

so the main question was ordered put.

question was, Shall amendment No. 3, S., be adopted?

ision was called for, and the senate refused to adopt the ment.

question then was, Shall the bill be ordered engrossed and third time?

yes and noes were demanded, and the vote was: Ayes, 12; absent or not voting, 2, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Burke, Cul, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin Perry, Scott, Snover, Weigle, Weissleder, and White

—Senators Bosshard, Hoyt, Huber, Husting, Martin H. nk, Randolph, Richards, Skogmo, Teasdale, Tomkins, phy—12.

ent or not voting—Senators Stevens and True—2.

so the bill was ordered engrossed and read a third time.

or Perry moved that all rules interfering be suspended bill be placed upon its passage at this time.

question was, Shall the rules be suspended?

yes and noes were required, and the vote was: Ayes, 17; 3; absent or not voting, 2, as follows:

—Senators Ackley, Albers, Bichler, Bishop, Burke, Cul, Cunningham, Glenn, Kellogg, Kileen, Martin A. E., Snover, Teasdale, Weigle, Weissleder, and White—17.

—Senators Bosshard, Hoyt, Huber, Husting, Linley, Mar, C., Monk, Randolph, Richards, Scott, Skogmo, Tomkins, phy—13.

ent or not voting—Senators Stevens and True—2.

so the senate refused to suspend the rules.

MOTIONS.

17, A.

a motion of Senator Burke, vote by which the bill was non-concurred in, was reconsid-

a request of Senator Burke, and with unanimous consent, motion was laid over until Wednesday, May 28, 1913.

337, A.

tor Hoyt moved that the vote by which the bill was non- red in, be reconsidered.

A division was called for, and the senate refused to reconsider the vote.

No. 1112, A.

Senator Zophy moved that the vote by which the bill was non-concurred in, be reconsidered.

Senator Perry asked if the senator had voted with the majority.

Senator Zophy stated that he had voted with the majority.

Upon request of Senator Bosshard, and with unanimous consent, The motion was laid over until Wednesday, May 28, 1913.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the provisions of Joint Resolution No. 51, S., I return herewith, for the purpose of correction, bill No. **153, S.**

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

May 27, 1913.

Upon request of Senator Monk, with unanimous consent.

Laid over until Wednesday May 28.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 84, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 84, A.,

Read and concurred in.

The committee on Legislative Procedure report and recommend for introduction, bills bearing the following revision numbers:

Nos. 567, 568, 569.

H. C. MARTIN,

Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **539, S.** (Revision No. 568). By Committee on Corporations. To committee on Corporations.

No. **540, S.** (Revision No. 567). By Senator Scott. To committee on Finance.

No. **541, S.** (Revision No. 569). By Special Committee on Insurance. To special committee on Insurance.

COMMITTEE REPORTS.

The joint committee on Finance report and recommend:

No. **121, S.**,

Amendment No. 2, S., and passage.

No. **488, S.**,

Amendment No. 1, S., and passage.

G. E. SCOTT,

Chairman of Senate Committee.

R. J. NYE,

Chairman of Assembly Committee.

The joint committee on Finance report and recommend:

WHEREAS, The Northwestern Mutual Life Insurance company of Milwaukee, Wisconsin, on or about the 18th day of February, 1913, filed in the office of the secretary of state of this state, its claim in duplicate against the state of Wisconsin, dated and duly verified on the 17th day of February, 1913, for the sum of four hundred eighty-two thousand one hundred ninety-three dollars and twenty-three cents (\$482,193.23), with interest from the first day of March, 1912, which said claim was thereafter duly reported by the secretary of state to this legislature and by it referred to its joint committee on Finance,

AND WHEREAS, The said Northwestern Mutual Life Insurance company of Milwaukee, Wisconsin, on or about the fifth day of March, A. D. 1913, filed in the office of the secretary of state of this state, its claim in duplicate, against the state of Wisconsin, dated and duly verified on the 3rd day of March, 1913, for the sum of five hundred five thousand six hundred forty three dollars and twenty-two cents (\$505,643.22), with interest from the first day of March, 1913, which said claim was thereafter duly reported by the secretary of state to this legislature and by it referred to its joint committee on Finance,

AND WHEREAS, In the opinion of said committee, neither of said claims, nor any part thereof, is a just and valid claim against the state,

Now therefore, Said committee begs to report that said claims, and each and every part thereof, be rejected and disallowed by the adoption of the joint resolution herewith reported.

G. E. SCOTT,

Chairman of Senate Committee on Finance.

R. J. NYE,

Chairman of Assembly Committee on Finance.

RESOLUTIONS INTRODUCED.

Read first time and referred.

Jt. Res. No. 52, S. By Committee on Finance. To calendar.

The committee on Judiciary report and recommend:

No. **516, S.**,

No. **517, S.**,

No. **519, S.**, and

No. **520, S.**,

Passage.

E. F. KILEEN,

Chairman.

The committee on Education and Public Welfare report and recommend:

No. **853, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **880, A.**,

Concurrence.

No. **131, A.**, and

No. **1070, A.**,

Non-concurrence.

HOWARD TEASDALE,

Chairman.

ADJOURNMENT.

Upon motion of Senator Weissleder,

The senate adjourned.

BILLS FOR REVISION.

The special committee on Highways filed one bill for revision at the clerk's desk.

WEDNESDAY, MAY 28, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by Rev. C. H. Thomas.

The roll was called and the following senators answered to their
names:

Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke,
Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg,
Kiløen, Linley, Martin A. E., Martin H. C., Monk, Perry,
Schmidolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale,
Watkins, True, Weigle, Weissleder, White, and Zophy—32.

LEAVE OF ABSENCE.

Upon request,

leave of absence was granted to Senator Weissleder after
session until Tuesday, June 3, 1913.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Burke,

the nomination of Clemens P. Host for state fire marshall was
taken from the table.

The question was, Shall the nomination by the governor of Clem-
P. Host, for state fire marshal for the term ending January 15,
1919, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 31;
noes, none; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard,
Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling,
Kellogg, Kiløen, Linley, Martin A. E., Martin H. C., Monk, Perry,

Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—31.

Noes—None.

Absent or not voting—Senator White—1.

And so the nomination was confirmed.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 53, S.,

Relating to a recess of the legislature from June 12, 1913, to January 13, 1914.

WHEREAS, This legislature has had a larger number of bills to consider than any previous Wisconsin legislature, and

WHEREAS, With the exception of three important subjects, the diligence of this legislature makes possible the final consideration of the last of these bills within a few more days, and

WHEREAS, The session will then have been longer than was the expectation when the legislature convened in January, and

WHEREAS, The waterpower bill cannot be sufficiently considered by the committee within several weeks, and

WHEREAS, The subject of mothers' pensions is new in Wisconsin, and no state or county has adequate experience to indicate which is the better of the two radically different plans of administration presented, and

WHEREAS, The subject of direct marketing has been but little investigated or considered by the legislature, and

WHEREAS, The many progressive laws of Wisconsin have stood the test of the courts and of practical application because they have been written only after thorough investigation of facts and conditions, and have been enacted in the scientific Wisconsin way, and

WHEREAS, The legislature can not only give better consideration to these subjects if a recess until January be taken, but can take final action upon them in less actual sitting time; now, therefore,

Be it resolved by the senate, the assembly concurring, That the legislature adjourn at 12 o'clock noon, Thursday, June 12, 1913, until 12 o'clock noon, Tuesday, January 13, 1914.

Resolved further, That no new matter other than privileged resolutions be introduced in either house after Saturday, May 31, 1913; that thereafter all bills and resolutions be considered at once or referred to the calendar; that no hearings be held before any of the committees of the legislature after Saturday, May 31, 1913, and that all matters in committee be reported in not later than Thursday, June 4, 1913; these provisions not to apply, however, beyond June 12, 1913.

Resolved further, That three special joint committees, each to consist of three members of the senate appointed by the president and four members of the assembly appointed by the speaker, be

stituted, to which shall be referred, respectively, the subjects waterpowers, mothers' pensions, and direct marketing, together with all bills upon these subjects now pending, or which shall be introduced prior to Saturday, May 31, 1913.

Resolved further, That said special committees shall immediately after adjournment of the legislature on June 12, 1913, organize and proceed to investigate and consider respectively the subjects referred to them; shall on or before November 1, 1913, prepare reports and findings and proposed bills, which matter shall be printed, and on or before November 15, 1913, shall be mailed to the governor and each member of the legislature; that each committee shall hold further hearings in December, and shall report to the legislature and offer bills when the legislature reconvenes on January 13, 1914.

Resolved further, That when the legislature reconvenes in January, 1914, no matters other than privileged resolutions and the bills introduced by the aforementioned special committees upon the subjects referred to them, respectively, and amendments to such bills, shall be introduced or received in either house except by the unanimous consent of the members present.

by Senator Scott.

The question was, Shall the resolution be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 20; Noes, 11; absent or not voting, 1, as follows:

Ayes—Senators Bichler, Bosshard, Glenn, Hoyt, Huber, Huston, Kellogg, Linley, Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, Zophy—20.

Noes—Senators Ackley, Albers, Bishop, Burke, Culbertson, Hingham, Kileen, Martin A. E., Snover, Stevens, and Teasdale—11.

Absent or not voting—Senator White—1.

And so the resolution was adopted.

EXECUTIVE COMMUNICATIONS CONSIDERED.

S. 153, S.,

Upon motion of Senator Monk, and with unanimous consent, the vote by which the bill was passed, was reconsidered. Senator Monk, with unanimous consent, offered amendment No.

which amendment was adopted.

S. 153, S., as amended, was read a third time, and passed.

S. 164, S.

Upon motion of Senator Bosshard, laid on the table.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 85, A.

Passed, and asks concurrence in,
No. **1154, A.**

Concurred in amendment No. 1, S., to
No. **627, A.,**
No. **729, A.,** and
No. **1149, A.**

Has concurred in substitute amendment No. 1, S., to
No. **1015, A.**

Has passed, and asks concurrence in,
No. **1104, A.,**
No. **1107, A.,**
No. **1152, A.**

Has concurred in
No. **332, S.,**
No. **434, S.,**
No. **470, S.,**
No. **486, S.,**
No. **492, S.**

Has amended, and concurred in, as amended,
No. **425, S.**

Has refused to order a third reading
No. **189, S.**

Assembly adheres to its position on amendment No. 1, A., to
No. **186, S.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 85, A., concurred in.

No. **1154, A.**

Upon motion of Senator Randolph, and with unanimous consent,

Laid over till Thursday, May 29, 1913.

Read first time and referred.

No. **1104, A.** To committee on State Affairs.

No. **1107, A.** To committee on Education and Public Welfare

No. **1152, A.** To committee on Corporations.

No. 186, S.

Amendment No. 1, A.

Upon motion of Senator H. C. Martin,

The senate insisted upon its position, and asks for a committee of conference.

No. 451, S.,

Amendment No. 1, A., concurred in.

No. 101, A.

Recalled from the governor,

Senator Randolph asked unanimous consent to lay the bill over until tomorrow.

Senator Bishop objected.

Upon request of Senator Tomkins, and with unanimous consent,

The vote by which the bill was concurred in, was reconsidered.

Amendment No. 1, A.

Division was called for, and the senate refused to concur in the amendment.

No. 101, A.,

A bill to create section 4393a—8, of the statutes, relating to the storage of explosives.

Senator Tomkins moved that the bill be non-concurred in.

The ayes and noes were demanded, and the vote was: Ayes, 24; Noes, 8, as follows:

Ayes—Senators Ackley, Albers, Bishop, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Richards, Scott, Snover, Stevens, Easdale, Tomkins, True, Weigle, Weissleder, and White—24.

Noes—Senators Bichler, Bosshard, Hoyt, Husting, Monk, Randolph, Skogmo, and Zophy—8.

And so the bill was non-concurred in.

Senator Bishop moved that the vote by which the bill was non-concurred in be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 7; Noes, 25, as follows:

Ayes—Senators Bichler, Hoyt, Husting, Martin H. C., Monk, Randolph, and Skogmo—7.

Noes—Senators Ackley, Albers, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards, Scott, Snover, Stevens, Easdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—25.

And so the senate refused to reconsider the vote.

ent,

No. 425, A.

Upon motion of Senator Linley, and with unanimous consent,

The vote by which the bill was concurred in, was reconsidered.

Substitute amendment No. 1, A., was concurred in, and

The bill, as amended, was concurred in.

No. 547, A.

Upon motion of Senator True and with unanimous consent,
The vote by which the bill was concurred in, was reconsidered.
Substitute amendment No. 1, A., was concurred in, and
The bill, as amended, was concurred in.

No. 596, A.

Upon request of Senator Linley, and with unanimous consent,
The vote by which the bill was concurred in was reconsidered.
Amendment No. 2, A., was concurred in and
The bill, as amended, was then concurred in.

No. 772, A.

Upon request of Senator Culbertson,
Laid over until Wednesday, June 4, 1913.

MOTIONS CONSIDERED.**No. 17, A.**

Motion to reconsider vote by which the bill was non-concurred
in, pending.

The ayes and noes were demanded.

Upon request of Senator Ackley,
The bill was placed at the foot of the calendar.

No. 1112, A.

The senate refused to reconsider the vote by which the bill was
non-concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.**No. 58, S.**

RECESS.

Upon motion of Senator Randolph,
The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

The committee on Judiciary filed three bills for revision at the
clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

No. 58, S.,

A bill to amend section 3180; to repeal section 3180a, and to create section 3180a of the statutes, relating to nuisances.

Substitute amendment No. 1, S., withdrawn by the committee on Judiciary, with the consent of the senate.

Upon request of Senator Monk, and with unanimous consent, Rule 11 was suspended for this session.

The question then was, Shall substitute amendment No. 2, S., No. 58, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 17; noes, 4; paired, 2; absent or not voting, 9, as follows:

Ayes—Senators Bosshard, Culbertson, Cunningham, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Monk, Scott, Skogmo, Stevens, Tomkins, True, Weigle, and Zophy—17.

Noes—Senators Albers, Martin A. E., Perry, and Snover—4.

Paired—Senator Teasdale for the bill, Senator Burke against the bill—2.

Absent or not voting—Senators Ackley, Bichler, Bishop, Glenn, Martin H. C., Randolph, Richards, Weissleder, and White—9.

And so the substitute amendment was adopted.

Senator Hustung moved that all rules interfering be suspended and the bill placed upon its passage at this time.

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; paired, 2; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, White, and Zophy—23.

Noes—None.

Paired—Senator Teasdale for suspension, Senator Burke against suspension—2.

Absent or not voting—Senators Ackley, Bishop, Glenn, Martin H. C., Randolph, Richards, and Weissleder—7.

And so the rules were suspended.

No. 58, S.,

Was read a third time, and passed.

No. 83, S.

Amendment No. 1, S., to substitute amendment No. 1, S., adopted.

Senator Teasdale offered amendment No. 2, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Substitute amendment No. 1, S., as amended,

Was adopted.

No. **83, S.**, as amended,
Was ordered engrossed and read a third time.

No. **118, S.**

Amendment No. 1, S.

Upon request of Senator Scott, and with unanimous consent,
withdrawn.

Senator Scott offered amendment No. 2, S., for Senator Glenn.

Upon motion of Senator Scott,

Laid over until Wednesday, June 4, 1913.

No. **205, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **268, S.**,

Ordered engrossed and read a third time.

No. **295, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **34, S.**

Upon motion of Senator Monk,

Laid over till Wednesday, June 4, 1913.

No. **474, S.**,

Was indefinitely postponed.

No. **480, S.**,

A bill to repeal sections 1021m, 1021m—9 and 1021n of the statutes, and to create sections 1021m, 1021m—1 and 1021m—2 of the statutes, relative to the statistics of the manufacture, sale and consumption of spirituous, malt, vinous or intoxicating liquors and making an appropriation.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 11; noes, 15; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Cunningham, Huber, Kellogg, Kileen, Martin A. E., Perry, Snover, True, and White—11.

Noes—Senators Bosshard, Culbertson, Hoyt, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, Weigle and Zophy—15.

Absent or not voting—Senators Ackley, Bishop, Burke, Glenn, Richards, and Weissleder—6.

And so the senate refused to indefinitely postpone the bill, and thereby ordering it engrossed and read a third time.

Senator Teasdale asked that all rules interfering be suspended with unanimous consent, and the bill be placed upon its final passage at this time.

Senator White objected.

Senator Teasdale then moved that all rules interfering be suspended and the bill be placed upon its final passage at this time.

The ayes and noes were required, and the vote was: Ayes, 16; noes, 8; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bosshard, Culbertson, Husting, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, and Zophy—16.

Noes—Senators Bichler, Huber, Kellogg, Kileen, Martin A. Snover, Weigle, and White—8.

Absent or not voting—Senators Ackley, Bishop, Burke, Cunningham, Glenn, Hoyt, Richards, and Weissleder—8.

And so the rules were suspended.

No. 480, S.,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 15; noes, 10; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Culbertson, Hoyt, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, and Zophy—15.

Noes—Senators Albers, Bichler, Cunningham, Huber, Kellogg, Kileen, Martin A. E., Perry, Snover, and White—10.

Absent or not voting—Senators Ackley, Bishop, Burke, Glenn, Richards, Stevens, and Weissleder—7.

And so the bill was passed.

Senator Bosshard moved that the vote by which the bill was passed, be reconsidered,

Which motion was lost.

Jt. Res. No. 8, S.,

Relating to public ownership and operation of railroads, express companies, and telegraph and telephone lines.

The question was, Shall the resolution be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 21; noes, 3; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Weigle—21.

Noes—Senators Hoyt, Monk, and Zophy—3.

Absent or not voting—Senators Ackley, Bishop, Burke, Glenn, Martin H. C., Randolph, Weissleder, and White—8.

And so the resolution was indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. 509, A.,

No. 903, A.,

No. 937, A.,

No. 1032, A.,

Jt. Res. No. 60, A.,

Were each severally ordered to a third reading.

No. 261, A.

Upon motion of Senator Perry,

Laid over until Tuesday, June 3, 1913.

No. 413, A., and

No. 719, A.,

Were each severally non-concurred in.

No. 1125, A.,

A bill to create a temporary commission to represent the state of Wisconsin at the national exposition to be held at Christiania, Norway, in the year 1914, and making an appropriation.

Senator Tomkins offered amendment No. 1, S.,

Which amendment was adopted.

The question was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 13; absent or not voting, 6, as follows:

Ayes—Senators Cunningham, Huber, Husting, Kileen, Linley, Scott, Skogmo, Teasdale, Tomkins, and True—10.

Noes—Senators Albers, Bichler, Bosshard, Culbertson, Hoyt, Kellogg, Martin A. E., Monk, Perry, Randolph, Richards, Snover, Stevens, Weigle, White, and Zophy—16.

Absent or not voting—Senators Ackley, Bishop, Burke, Glenn, Martin H. C., and Weissleder—6.

And so the senate refused to order the bill to a third reading.

Senator Bosshard moved that the vote by which the bill was refused to be ordered to a third reading be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 17; absent or not voting, 7, as follows:

Ayes—Senators Cunningham, Huber, Husting, Kileen, Linley, Scott, Skogmo, and True—8.

Noes—Senators Albers, Bichler, Bosshard, Culbertson, Hoyt, Kellogg, Martin A. E., Monk, Perry, Randolph, Richards, Snover, Stevens, Tomkins, Weigle, White, and Zophy—17.

Absent or not voting—Senators Ackley, Bishop, Burke, Glenn, Martin H. C., Teasdale, and Weissleder—7.

And so the senate refused to reconsider the vote.

No. 62, A.,

A bill to amend section 1 of chapter 459, laws 1907, relating to the board of school directors in cities of the first class.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 5; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Culbertson, Huber, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Richards, Scott, Snover, Teasdale, Weigle, and White—16.

noes—Senators Bosshard, Hoyt, Husting, Skogmo, and Zophy
 absent or not voting—Senators Ackley, Bishop, Burke, Cun-
 ham, Glenn, Martin H. C., Randolph, Stevens, Tomkins, True,
 Weissleder—11.
 and so the bill was non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

S. 21, S.,

bill to amend, section 2 of section 411—5 of the statutes, re-
 specting the manner of payment and amount of money to be paid
 annually to counties maintaining county training schools for
 teachers.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 23;
 noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Hoyt,
 Husting, Kellogg, Kileen, Linley, Martin A. E., Monk,
 Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale,
 Tomkins, Weigle, White, and Zophy—23.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Cun-
 ham, Glenn, Martin H. C., Randolph, True, and Weissleder—

and so the bill was passed.

S. 318, S.,

Upon motion of Senator Zophy,
 laid over until Wednesday, June 4, 1913.

S. 449, S.,

A bill to appropriate to P. F. Hanson and J. A. Jackson, both
 of the town of Cady in St. Croix county, and to Fred Tschudy of
 the town of Jefferson in Green county, certain sums of money
 therein named.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 19;
 noes, 4; absent or not voting, 9, as follows,

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Hoyt,
 Husting, Kellogg, Linley, Martin A. E., Richards, Scott,
 Skogmo, Snover, Stevens, Tomkins, Weigle, White, and
 Zophy—19.

Noes—Senators Kileen, Monk, Perry, and Teasdale—4.

Absent or not voting—Senators Ackley, Bishop, Burke, Cun-
 ham, Glenn, Martin H. C., Randolph, True, and Weiss-
 leder—9.

and so the bill was passed.

No. **496, S.**,

No. **507, S.**, and

No. **522, S.**,

Were each severally read a third time, and passed.

No. **116, A.**

Upon motion of Senator A. E. Martin,

Laid over until Wednesday, June 4, 1913.

No. **909, A.**,

A bill to amend section 1926 of the statutes, relating to fire department dues, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, White, and Zophy—23.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Cunningham, Glenn, Randolph, Richards, True, and Weissleder—9.

And so the bill was concurred in.

No. **82, A.**,

No. **296, A.**,

No. **434, A.**,

No. **658, A.**,

No. **908, A.**,

No. **938, A.**,

No. **958, A.**,

No. **1092, A.**,

No. **1150, A.**, and

No. **1165, A.**,

Were each severally read a third time, and concurred in.

PLACED AT FOOT OF CALENDAR.

No. **17, A.**

Upon motion of Senator Perry,

Laid over until Wednesday, June 4, 1913.

RESOLUTION INTRODUCED.

Jt. Res. No. 54, S.,

Recalling bill No. **188, S.**, from the governor.

Resolved by the senate, the assembly concurring, That the governor be requested to return bill No. **188, S.**, to the senate for amendment.

By Senator Zophy (by request).

Adopted.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 570, 571, 572, 573, 574, 575, 577.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendations of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read a third time, and passed.

No. **542, S.** (Revision No. 570). By Special Committee appointed under Jt. Res. No. 32, S. To calendar.

No. **543, S.** (Revision No. 571). By Senator Teasdale. To committee on Education and Public Welfare.

No. **544, S.** (Revision No. 572). By Special Committee on Highways. To special committee on Highways.

No. **545, S.** (Revision No. 573). By Committee on Judiciary. To committee on Corporations.

No. **546, S.** (Revision No. 574). By Committee on Judiciary. To committee on Corporations.

No. **547, S.** (Revision No. 575). By Committee on Judiciary. To committee on Judiciary.

No. **548, S.** (Revision No. 576). By Committee on Judiciary. To committee on Judiciary.

COMMUNICATION TO THE SENATE.

To Hon. F. M. WYLIE,
Chief Clerk of the Senate.

Dear Sir: By resolution No. 24, S., adopted by the senate on May 21, 1913, this department, through its actuaries, was required to furnish certain data and information with regard to the Teachers' Retirement Fund.

Because of the illness of the actuary who had been given charge of this work, and because of the incompleteness of material available, it has been impossible to complete a report at this time, and an extension of the time for three days will enable us to submit such report as can be made on the data available.

I therefore request that this department be allowed further time to prepare and file such report.

Respectfully submitted,

HERMAN L. EKERN,
Commissioner.

Upon motion of Senator Teasdale,
The time was extended for three days.

COMMITTEE REPORTS.

The committee on Education and Public Welfare report and recommend:

No. **656, A.**,
Non-concurrence.
No. **966, A.**,
No. **1156, A.**,
No. **1182, A.**,
Concurrence.

HOWARD TEASDALE,
Chairman.

The committee on Judiciary report and recommend:

No. **523, S.**,
No. **524, S.**,
No. **530, S.**,
No. **531, S.**, and
No. **532, S.**,
Passage.
No. **44, S.**,
Passage, Senators Kileen and Linley dissenting.
No. **525, S.**,
Indefinite postponement.

E. F. KILEEN,
Chairman.

The committee on Corporations report and recommend:

No. **508, S.**,
Indefinite postponement.
No. **526, S.**,
No. **528, S.**,
No. **537, S.**,
No. **538, S.**, and
No. **539, S.**,
Passage.
No. **174, A.**, and
No. **219, A.**,
Non-concurrence.

583, A.,
 concurrence, Senator Snover dissenting.
678, A.,
 concurrence, Senator Bosshard dissenting.
50, A.,
612, A.,
1128, A.,
1167, A., and
1181, A.,
 concurrence.

OTTO BOSSHARD,
 Chairman.

on motion of Senator Linley,
 rules interfering were suspended with unanimous consent,

612, A.,
 taken up for consideration at this time.
612, A.,
 read a third time, and concurred in.

LEAVE OF ABSENCE.

on request of Senator Huber,
 leave of absence was granted to Senator Burke until Wednesday
 June 4, 1913.
 on request of Senator Perry,
 leave of absence was granted to Senator Ackley until Tuesday,
 and for himself until Wednesday, June 4, 1913.
 on request,
 leave of absence was granted to Senator Kellogg until Monday,
 1913.

ADJOURNMENT.

on motion of Senator Randolph,
 senate adjourned.

BILLS FOR REVISION.

committee on Corporations filed two bills and the commit-
 Judiciary filed one bill for revision at the chief clerk's desk.

CLERK'S REPORT.

The chief clerk records:

No. **8, S.,**

No. **376, S.,**

No. **437, S.,**

No. **448, S.,** and

No. **453, S.,**

Correctly enrolled at 7:20 o'clock p. m.

THURSDAY, May 29, 1913.

10:00 O'CLOCK A. M.

he senate met.

he president in the chair.

prayer was offered by Rev. C. H. Thomas.

he roll was called and the following senators answered to their
names:

Senators Albers, Bichler, Bosshard, Culbertson, Cunningham,
nn, Hoyt, Huber, Husting, Martin A. E., Martin H. C., Rich-
s, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True,
igle, White, and Zophy—22.

bsent—Senators Kileen, Linley, and Randolph—3.

bsent with leave—Senators Ackley, Bishop, Burke, Kellogg,
nk, Perry, and Weissleder—7.

LEAVE OF ABSENCE.

pon request of Senator Scott,

ndefinite leave of absence was granted to Senator Bishop.

he journal of yesterday was approved.

MOTIONS.

pon motion of Senator Bosshard, and with unanimous consent,
he vote by which No. **118, S.**, was laid over until Wednes-
day, June 4, 1913, was reconsidered.

Senator Scott, with unanimous consent, withdrew his motion to
the bill over until Wednesday, June 4, 1913.

pon motion of Senator Bosshard,

o. **118, S.**,

was re-referred to the committee on Finance.

Upon motion of Senator Scott,
The vote by which No. **205, S.**, was ordered engrossed and read a third time, was reconsidered.

Senator Scott, for the joint committee on Finance, reported amendment No. 2, S.,

Which amendment was adopted.

Ordered engrossed and read a third time.

Upon request of Senator A. E. Martin, and with his consent,

No. **678, A.**, was taken from the calendar of Monday, June 4, 1913, and placed on the calendar of Wednesday, June 4, 1913.

Upon request of Senator Tompkins, and with unanimous consent,

No. **1154, A.**,

Was taken up for consideration at this time.

No. **1154, A.**,

A bill to create sections 1107b and 1107e of the statutes relating to the collection of taxes against public service corporations,

Was read a third time.

The question then was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was:

Noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Culbertson, Hingham, Glenn, Hoyt, Huber, Husting, Martin A. E., H. C., Richards, Scott, Snover, Stevens, Teasdale, Tompkins, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Bollinger, Kileen, Linley, Monk, Perry, Randolph, Skogmo, Tiedler, and White—12.

And so the bill was concurred in.

Upon request of Senator Tompkins,

All rules interfering, were suspended with unanimous consent,

No. **1154, A.**,

Was ordered messaged to the assembly at once.

COMMUNICATION TO THE SENATE.

MAY 29

CHIEF CLERK, *Senate*,

Madison, Wisconsin.

Dear Sir: I am transmitting herewith copy of Joint current Resolution No. 23 of the General Assembly of Missouri.

Very truly yours,

J. S. DONALD
Secretary of the Senate

STATE OF MISSOURI,

Department of State.

All to Whom These Presents Shall Come:

Cornelius Roach, Secretary of State of the State of Missouri, and Keeper of the Great Seal thereof, hereby certify that following pages contain a full, true and complete copy of a current Resolution of the General Assembly of the State of Missouri, entitled:

JOINT AND CONCURRENT RESOLUTION.

That Congress to call a constitutional convention or to submit to the several states through a congressional joint resolution, an amendment to the Constitution of the United States, correcting the manner in which the constitutionality of state enactments shall be determined by the supreme court of the United States.

That the journals of the proceedings of the House and of the 47th General Assembly show that said joint resolution was adopted.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri. Done at the City of Jefferson, this Fifteenth day of April, A. D. Nineteen Hundred and Thirteen.

CORNELIUS ROACH,

Secretary of State.

HOUSE

JOINT AND CONCURRENT RESOLUTION No. 23.

47th General Assembly.

JOINT AND CONCURRENT RESOLUTION

That Congress to call a constitutional convention or to submit to the several states through a congressional joint resolution, an amendment to the Constitution of the United States, correcting the manner in which the constitutionality of state enactments shall be determined by the supreme court of the United States.

WHEREAS, A single judge of an inferior federal court has, after time, nullified and amended the solemn enactments

of the legislative assembly of the State of Missouri, and other states of this union, and has even destroyed provisions of the Constitutions of the states, made after the most deliberate thought and study in convention or by the sober voice of the whole people; and

WHEREAS, This manner of destroying and amending deliberate enactments of a sovereign state has no precedent in the federal Constitution, and is not in keeping with the dignity of this state or of any other state of this union

WHEREAS, It is not in keeping with the spirit of free institutions that the ruling of an inferior federal court shall nullify the deliberate acts of the people of a whole state; and

That in order to correct these evils, an amendment to the federal constitution, to be known as Article XVII, be proposed to the several states for their "ratification" or "rejection" to-wit:

Be it resolved by the House of Representatives, the Senate concurring therein, as follows:

That we apply to the congress of the United States and respectfully ask that an amendment to the federal Constitution to correct these evils be proposed to the several states for their ratification, to-wit: To the congress of the United States

In pursuance of the rights reserved to themselves by the sovereign states of this union, we, the representatives of the state of Missouri regularly met in general assembly, do hereby apply to you and respectfully ask that you either call a constitutional convention for the purpose of proposing to the several states of the union the amendment to the federal Constitution given below, or that you propose to the several states their ratification, according to article V of the Constitution of the United States, said amendment, to-wit:

Article XVII. No inferior federal court shall have jurisdiction over questions involving the constitutionality or validity of any state law; but a law of any state, when called in question as violating the Constitution of the United States or as conflicting with any federal statute, shall be certified immediately to the supreme court of the United States, which shall be given precedence over all other business before the court. No federal court shall issue any writ of injunction restraining the execution of any state law, and no appeal to

eme court of the United States, involving the validity or constitutionality of the law of any state, shall operate as a *resedeas*. Every question involving the rights of a state, the validity or constitutionality of a state law, shall be decided by the concurring opinion of every member of the supreme court.

and be it further resolved that every state in the union be respectfully requested to join with us in this memorial to Congress; and that a copy of this resolution be sent to the governor and secretary of state of each state, and to such general assemblies of states as are now in session and to all other general assemblies of states as soon as they shall convene; and that copies be sent to the president of the senate of the United States and to the speaker of the house of representatives.

referred to committee on Judiciary.

COMMUNICATION TO THE SENATE.

MAY 29, 1913.

DEPUTY CLERK, *Senate*,
Madison, Wisconsin.

Dear Sir: In compliance with the provision of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

John Norgaard, Prest. Ettrick, Wis., representing Ettrick Telephone Company, upon Telephone legislation.

Ernest W. Braun, 4 Metropolitan Blk., Milwaukee, Wis., representing The Milwaukee Delicatessen Advancement Association, Metropolitan Blk., Milwaukee, upon Sunday Closing Law.

Victor I. Minihan, Green Bay, Wis., representing Minihan Ice Co., Green Bay, upon Public Utility Measures.

COMMITTEE REPORTS.

The committee on State Affairs report and recommend:

S. 127, S.,

definite postponement.

S. 192, S.,

adoption of substitute amendment No. 2, S., and passage.

S. 394, S.,

definite postponement, Senator Zophy dissenting.

No. **478, S.**,

Passage.

No. **511, S.**,

Adoption of amendment No. 1, S., and passage.

No. **86, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **96, A.**,

No. **337, A.**,

No. **399, A.**,

No. **895, A.**,

Concurrence.

No. **896, A.**,

Adoption of amendments Nos. 1, S., and 2, S., and concurrence.

No. **964, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **334, A.**,

No. **1019, A.**,

No. **1127, A.**,

Non-concurrence.

M. F. WHITE,

Chairman.

The committee on Judiciary report and recommend:

No. **227, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

PAUL HUSTING,

Acting Chairman.

The special committee on Insurance report and recommend:

No. **270, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **691, A.**

Adoption of amendment No. 1, S., and concurrence.

G. E. SCOTT,

Chairman.

The committee on Corporations report and recommend:

No. **55, S.**,

Adoption of substitute amendment No. 1, S., and passage, Senators Bosshard, Glenn and Skogmo dissenting, and offering and recommending adoption of substitute amendment No. 2, S., and passage.

No. **273, S.**,

Adoption of amendment No. 1, S., to substitute amendment No. 1, S., and passage.

No. **546, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **1152, A.**,

Adoption of substitute amendment No. 1, S., and concurrence

OTTO BOSSHARD,

Chairman.

EXECUTIVE COMMUNICATION.

the Honorable, The Legislature:

The joint resolution providing for an adjournment of the present session of the legislature until next January, recently introduced and now pending before you, is so unique if not extraordinary in character that the reasons in support of it and the motives back of it should promptly be made public so all may understand.

In effect this proposal means two sessions of the legislature instead of one, with a corresponding increase of expense. Between now and next January members may die or move away, necessitating special elections to fill the vacancies thus created. Ground already gained will be lost and a new beginning will have to be made.

Why adjourn now? While some time has elapsed since this legislature met and much patient labor has been spent upon its work before it, little has yet been done. No law of broad, general interest or importance has been passed. But a single reform pledge has been redeemed. All the important bills are still pending. If you stop here no one, especially no member of the party in power, can hope to go back to the people without being held accountable to them for a do-nothing legislative session.

The republican party has a clear majority in both the assembly and the senate of members elected upon a platform that specifically pledged the enactment of laws respecting teachers' pensions, a minimum wage for women, amendment of the election laws, prison reform, supervision of the sale of corporate stocks and bonds and the regulation of water power. Besides the approval of a number of constitutional amendments proposed two years ago. But no law has yet been passed upon any of these subjects. With respect to some of these matters "immediate" legislative action was definitely promised. This is true of water powers and the minimum wage. Upon the former subject there has been no legislation for a number of years and as a result industrial development dependent thereon has been brought almost to a standstill in Wisconsin. What valid excuse can be given for letting this subject go over for another year?

Even more urgent still is the market commission bill, which

has been before you for more than two months. Were any question about the importance of this measure was submitted, there can be no doubt now. It has attracted widespread attention and evoked favorable comment among the people of our own state but from every section of the country. No valid objection to it has been made. No reason can be given why it should not speedily be enacted into law.

It has three main objects: reduction in the cost of increased agricultural prosperity, and regulation of trade to the end that present gross abuses may be checked and opportunity afforded to all. Everyone concedes that the cost of living is too high. Even the critics of this bill at a private conversation if not at public hearings that the bill it provides would reduce living expenses. Yet it is so proposed by a progressive legislature to postpone this for a year. Why permit acknowledged wrongs to continue a year more when we now have the power to right them?

It is undisputed that the enactment of this bill will improve conditions upon the farm. Why postpone it then? It is so fundamentally essential to the well-being of all the people and the harmonious development of the state that agricultural prosperity. Unnecessary delay amounts to a denial of relief.

It is plainly demonstrable that the enactment of this bill will check the most pernicious trade abuses by which commerce is now beset and by means of which equality of opportunity is in many instances practically destroyed. Why permit oppression and exploitation to go unchecked for another year?

We have been accustomed in Wisconsin to regard pledges as binding contracts with the people. Presumably the republican members of the legislature knew what they were doing when they adopted the platform of last September. They must have intended to redeem the promises then made. If so, let me observe that nothing has since occurred to justify the postponement of the work now before us, nor is there any evidence of a change of attitude upon the part of the legislature when they accepted these promises at face value. This is true, the people have a right now to ask that these promises be kept without delay. If this be not done the people are

to locate the blame and will hold those who now counsel procrastination responsible for any betrayal of party honor may occur.

Thus far over 350 bills have been enacted into law; but not more than a few can fairly be said to be of general interest. These few consist principally of acts appropriating public money. The rest, taken singly or collectively, do not justify the expense incident to a legislative session. Do you wish to look back to the people whom for the time being you represent with a report of accomplishment so meager as this?

Summer is approaching. Warm weather is at hand. Those who live by farming naturally suffer heavy loss by enforced absence from home. But it is still only May and no member of this legislature has ever had reason to anticipate that the business of this session might be completed during the winter months. The legislature of 1909 continued until the middle of June; that of 1907 until the middle of July; that of 1905 until after the 20th of June. The last legislature continued until the middle of July and made an enviable record for legislative achievement—one well worthy of emulation at this time. Wisconsin legislators have not been quite so diligent in the past. Farmers, merchants and lawyers alike have been deterred manfully by their guns. The fact that many bills of importance await final action at the hands of this legislature remains nothing unexpected or unusual. There is no reason therefore why members should now go to sleep over those bills whether here or at home. Your predecessors in office never subordinated the duty of enacting important legislation to the pleasures of fishing, farming or factional politics; and you should not think of setting the example now.

The suggestion put forth in this joint resolution amounts practically to a return to the old, discarded plan of annual sessions. Thirty-two years ago the requirement that the legislature should meet annually was abolished by constitutional amendment. This change was the result of abundant experience under the old plan. It is proposed now to revert to the ancient practice in defiance of the will of the people, thus solemnly expressed. If any good reasons can be given for this departure they should be made public. The motives prompting such action should be such as to bear public scrutiny. That

this resolution was introduced as rumor goes, after much erect conference but without open consultation with those directly responsible to the people for the enactment of legislation and the redemption of party pledges, reveals something as to the motives back of it. What further may be behind this strange suggestion should now be freely disclosed. Public opinion will thus be intelligently formed; and in the last analysis public opinion is the spring and source of all ministrations and governments that are truly representative.

The opportunity for high, disinterested service to the state is as great now as it was two years ago. When the time of adjournment comes your record as a legislative body should be equal to that of any of your predecessors. Your membership came here with the necessary ability and you now possess the experience satisfactorily to transact all the business pending before you. Let me counsel you not to permit such an ill-advised suggestion as the one contained in this joint resolution to divert you from the proper course.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor

May 29, 1913.

EXECUTIVE COMMUNICATION CONSIDERED

No. **225, S.**

Upon motion of Senator Glenn,

Laid over until Wednesday, June 4, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted and asks concurrence in,

Jt. Res. No. 29, A.

Has passed, and asks concurrence in,

No. **394, A.,**

No. **626, A.,**

No. **650, A.,**

No. **1031, A.,**

No. **1089, A.,**

1126, A.,
 1147, A.,
 1160, A.,
 1173, A.,
 1180, A.,
 1186, A.

concurrent in

343, S.

Res. No. 47, S.

amended, and concurrent in, as amended,

94, S.,

442, S.

concurrent in amendment No. 2, S., to substitute amend-

ment No. 1, A., and has non-concurrent in amendment No. 1, S.,

to substitute amendment No. 1 A., to

409, S.

non-concurrent in

432, S.,

465, S., and

505, S.

concurrent in amendment No. 1, S., to

1124, A.

referred to committee on conference, and has appointed on such

committee, Messrs. Estabrook, Dolan and Smith, to

816, A.

referred, and asked concurrence in,

46, A.,

119, A.,

184, A.,

206, A.,

407, A.,

543, A.,

572, A.,

588, A.,

635, A.,

794, A.,

821, A.,

1012, A.,

1021, A.,

1047, A.,

1075, A.,

1113, A.,

1120, A.,

1163, A.,

1174, A.,

1187, A.

Recalled from the governor, amended, and passed, as amended,
No. **1091, A.**

Concurred in
No. **388, S.,**
No. **468, S.,**
No. **491, S.**

Amended, and concurred in, as amended,
No. **473, S.**

Concurred in
Jt. Res. No. 54, S.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

Jt. Res. No. 29, A. To committee on Judiciary.

No. **394, A.** To committee on Judiciary.

No. **626, A.** To committee on Judiciary.

No. **650, A.** To committee on Education and Public Welfare.

No. **1031, A.** To committee on Corporations.

No. **1089, A.** To committee on Finance.

No. **1126, A.** To committee on State Affairs.

No. **1147, A.** To committee on Education & Public Welfare.

No. **1160, A.** To committee on Corporations.

No. **1173, A.** To committee on Corporations.

No. **1180, A.** To committee on Education and Public Welfare.

No. **1186, A.** To committee on Corporations.

No. **46, A.** To committee on Education and Public Welfare.

No. **119, A.** To calendar.

No. **184, A.** To calendar.

No. **206, A.** To committee on Judiciary.

No. **407, A.** To committee on Corporations.

No. **543, A.** To committee on State Affairs.

No. **572, A.** To committee on State Affairs.

No. **588, A.** To committee on Corporations.

No. **635, A.** To committee on Education and Public Welfare.

No. **794, A.** To committee on State Affairs.

No. **821, A.** To committee on State Affairs.

No. **1012, A.** To committee on Corporations.

- No. **1021, A.** To calendar.
 No. **1047, A.** To committee on State Affairs.
 No. **1075, A.** To committee on Corporations.
 No. **1113, A.** To committee on State Affairs.
 No. **1120, A.** To committee on State Affairs.
 No. **1163, A.** To calendar.
 No. **1174, A.** To committee on Corporations.
 No. **1187, A.** To calendar.
 No. **1091, A.** To calendar.

No. **187, A.**

Upon motion of Senator Glenn, and with unanimous consent,
 The vote by which the bill was concurred in, was reconsidered.
 Amendment No. 2, A., concurred in, and
 The bill, as amended, was concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

No. **121, S.**

Amendment No. 1, S., adopted.

Senator Hoyt offered amendment No. 1, S., to amendment No. S.,

Which amendment was adopted.

Amendment No. 2, S., as amended, was adopted.

Senator Glenn offered amendment No. 3, S., which amendment was adopted.

No. **121, S.**, as amended,

Was ordered engrossed and read a third time.

Read second time.

No. **488, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **516, S.**,

No. **517, S.**,

No. **519, S.**,

No. **520, S.**, and

Jt. Res. No. 52, S.,

Were each severally ordered engrossed and read a third time.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

Read a second time.

No. **383, A.**,

Upon request of Senator A. E. Martin,

Laid over until Wednesday, June 4, 1913.

The chief clerk, under Rule No. 32, made the following correction to No. 518, A.:

Strike out (Section 430) (18). on page 2 of the printed substitute amendment No. 1, A., and insert in lieu thereof the following:

(Section 430) (18) At the annual meeting only, to vote tax to compensate the ~~clerk~~ treasurer, and director, which districts supporting graded and high schools shall be such ~~sum~~ as may be voted, and in other districts ~~the compensation~~ the clerk shall be such sum as may be voted, but shall not exceed twenty dollars per annum. provided that his ~~annual~~ annual report to the town or village clerk shall be approved by the town or village clerk to whom it is rendered: and compensation of the treasurer and the director shall be such sum as shall be voted, but shall not exceed ten dollars ~~annum~~ annum. not more than ten nor less than five dollars to each ~~any~~ of the above officers.

No. 518, A.

Amendment No. 1, S., adopted.

Ordered to a third reading.

Upon request of Senator Teasdale,

All rules interfering, were suspended with unanimous consent and the bill was placed upon its concurrence at this time.

No. 518, A.,

A bill to amend section 425, subdivision (18) of section 461, subdivision (6) of section 461, sections 462, 464 and 465, and repeal subdivisions (2), (3), (4), (5), (6), (7), and (8) of section 462, and subdivisions (1a) and (2) of section 467 of the statute relating to the time of holding annual school district meetings, and of making the reports of the state and county superintendents, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 12; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Martin A. E., Martin H., Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Bishop, Burlingame, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Weissleder, and White—12.

And so the bill was concurred in.

on request of Senator Teasdale,
 l rules interfering were suspended with unanimous consent,
 the bill was ordered messaged to the assembly at once.

S. 601, A.

ordered to a third reading.

S. 853, A.

endment No. 1, S., adopted.

ordered to a third reading.

S. 880, A.

ordered to a third reading.

S. 890, A.

on motion of Senator True,
 e-referred to committee on Finance.

S. 131, A.

on motion of Senator Tomkins,
 e-referred to committee on Education and Public Welfare.

S. 1070, A.,

n-concurred in.

BILLS READY FOR THIRD READING.

S. 206, S.

on request of Senator Huber,
 id over until Wednesday, June 4, 1913.

S. 341, S.

on request of Senator Teasdale,
 id over until Wednesday, June 4, 1913.

S. 461, S.,

S. 494, S.,

S. 500, S.,

ere each severally read a third time, and passed.

S. 489, S.,

bill to appropriate to I. H. Boomer a sum of money therein
 d, for expenses incurred in defending a suit for damages
 ght against him as deputy fish and game warden,
 as read a third time.

he question was, Shall the bill pass?

he ayes and noes were required, and the vote was: Ayes, 18;

2; absent or not voting, 12, as follows:

es—Senators Bosshard, Culbertson, Cunningham, Glenn,
 , Huber, Husting, Martin A. E., Martin H. C., Richards,
 , Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, and
 y—18.

es—Senators Albers and Snover—2.

sent or not voting—Senators Ackley, Biehler, Bishop,

Burke, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Weissleder, and White—12.

And so the bill was passed.

No. **510, S.**,

A bill to appropriate a sum of money herein named to the heirs of John Knoke, as a reimbursement for money paid to the state for certain lands to which the state had no title,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20 noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Martin A. E., Martin H. C., Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Bishop, Burke, Kellogg, Kileen, Linley, Monk, Perry, Randolph, Weissleder, and White—12.

And so the bill was passed.

No. **260, A.**,

No. **332, A.**,

No. **336, A.**,

No. **568, A.**, and

No. **641, A.**,

Were each severally read a third time and concurred in.

No. **356, A.**,

A bill to amend section 4567m of the statutes, relating to distribution of fines for violation of fish and game laws,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20 noes, 1; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Martin A. E., Martin H. C., Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—21.

Noes—Senator Bichler—1.

Absent or not voting—Senators Ackley, Bishop, Burke, Kellogg, Kileen, Linley, Monk, Perry, Randolph, and Weissleder—10.

And so the bill was concurred in.

Senator Culbertson moved that No. **340, S.**, be recalled from the special committee on Insurance and placed upon the calendar.

Which motion was lost.

The president appointed Senators H. C. Martin, Teasdale and Perry on part of the senate as a committee of conference on No. **186, S.**

on request of Senator Bosshard,
 l rules interfering were suspended with unanimous consent,
 he chairmen of the various committees were allowed to file
 reports at the clerk's desk.

Senator Richards moved that the vote by which No. **62, A.**,
 non-concurred in, be reconsidered.

he question was put and a viva voce vote had and the presi-
 was about to announce the result, when Senator Weigle
 ed that the motion lie over until Wednesday, June 4, 1913.
 he president held that the senate having begun voting, no mo-
 was in order except demand for division or for the ayes and

on request of Senator Richards, and with unanimous con-
 the motion was laid over until Wednesday, June 4, 1913.

LEAVE OF ABSENCE.

on request,
 ave of absence was granted to Senators A. E. Martin,
 ens, Hoyt, Glenn and Richards until Wednesday, June 4,

ADJOURNMENT.

on motion of Senator Husting,
 he senate adjourned.

BILLS AND RESOLUTIONS FOR REVISION.

pecial committee on Conservation filed two joint resolutions,
 the committee on Corporations filed one bill, for revision at
 clerk's desk.

he chief clerk, under rule 32, made the following correction in
 lled bill No. **379, S.**:
 dd the letter "a" after the figures 2546 where they appear in
 1 of section 7 of the enrolled bill.

he chief clerk records:

o. **250, S.**,

o. **379, S.**,

o. **433, S.**, and

o. **462, S.**,

orrectly enrolled at 10:35 o'clock a. m., and

o. **83, S.**,

o. **121, S.**,

o. **205, S.**,

o. **438, S.**, and

o. **295, S.**,

orrectly engrossed.

BILLS FOR REVISION.

The committee on Judiciary files one bill for revision at clerk's desk.

COMMITTEE REPORT.

Filed at the clerk's desk after the session.

The committee on Corporations report and recommend:

No. **788, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1183, A.**,

Adoption of amendment No. 1, S., and concurrence.

OTTO BOSSHARD,
Chairman

MONDAY, JUNE 2, 1913.
8:00 O'CLOCK P. M.

The senate met.
The president pro tempore in the chair.

RECESS.

Upon motion of Senator Monk,
The senate took a recess until 9:00 o'clock p. m.

9:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.
Prayer was offered by the Rev. Howard R. Gold, of the English
Lutheran Church of Madison, Wis.
Upon motion of Senator Bosshard,
The calling of the roll was dispensed with.

The journal of Thursday, May 29, 1913, was approved.

MOTIONS,

Upon motion of Senator Ackley, and with unanimous consent,
Rule 11 was suspended for this session.

Upon motion of Senator Bosshard,
The assembly was requested to return No. 418, A., to the
Senate.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend
for introduction bills bearing the following revision numbers:

Nos. 538, 576, 578, 581.

H. C. MARTIN,
Chairman

The bills were read by title, and the recommendation of the
committee stood as the order of the senate.

RESOLUTIONS INTRODUCED.

Read first time and referred.

Jt. Res. No. 55, S. (Revision No. 579). By Special Committee on
Conservation. To committee on Judiciary.

Jt. Res. No. 56, S. (Revision No. 580). By Special Committee on
Conservation. To special committee on
Conservation.

BILLS INTRODUCED.

Read first time and referred.

No. 549, S. (Revision No. 538). By Committee on Corpora-
tions. To committee on Corporations.

No. 550, S. (Revision No. 576). By Committee on Judiciary.
To committee on Judiciary.

No. 551, S. (Revision No. 578). By Committee on Corpora-
tions. To committee on Corporations.

No. 552, S. (Revision No. 581). By Committee on Corporations.
To committee on Corporations.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the provisions of Joint Resolution No. 54, S.
turn herewith bill No. 188, S.

Respectfully submitted,

FRANCIS E. McGOVERN,
Governor

May 29, 1913.

Filed with the chief clerk May 29, 1913, at 4 o'clock p.

MESSAGE FROM THE ASSEMBLY.

C. E. SHAFFER, chief clerk thereof.

RESIDENT:

has directed to inform you that the assembly has recalled from
governor, amended, and passed, as amended,
253, A.

amended, and concurred in, as amended,
82, S.

agreed to a committee on conference, and has appointed as
members, Messrs. Meland, I. N. Stewart and Kiefer on
186, S.

ASSEMBLY MESSAGE CONSIDERED.

425, S.

substitute amendment No. 1, A., concurred in.

S AND RESOLUTIONS READY FOR ENGROSSMENT.

44, S.

on motion of Senator Kileen,
referred to committee on Judiciary.

523, S.

on motion of Senator Kileen,
passed over until Wednesday, June 4, 1913.

read second time.

524, S.,

526, S.,

528, S.,

530, S.,

531, S., and

532, S.,

are each severally ordered engrossed, and read a third time.

537, S.

Senator Bosshard offered amendment No. 1, S.

on request of Senator Kileen and with unanimous consent,
passed over until Tuesday, June 3, 1913.

538, S., and

539, S.,

are each severally ordered engrossed, and read a third time.

542, S.

on motion of Senator Skogmo,

passed over until Wednesday, June 4, 1913.

No. **508, S.**, and

No. **525, S.**,

Were severally indefinitely postponed.

Upon request of Senator Bosshard,

All rules interfering were suspended with unanimous
and

No. **526, S.**,

No. **528, S.**, and

No. **539, S.**,

Were placed upon their final passage at this time.

No. **526, S.**,

No. **528, S.**, and

No. **539, S.**,

Were each severally read a third time and passed.

BILLS AND RESOLUTIONS TO BE ORDERED THIRD READING.

Read a second time.

No. **50, A.**,

No. **583, A.**,

No. **966, A.**,

No. **1128, A.**,

No. **1156, A.**,

No. **1167, A.**,

No. **1181, A.**, and

No. **1182, A.**,

Were each severally ordered to a third reading.

No. **219, A.**

Upon motion of Senator Zophy,

Laid over until Monday, June 9, 1913.

No. **174, A.**, and

No. **656, A.**,

Were severally non-concurred in.

BILLS AND RESOLUTIONS READY FOR THE READING.

No. **268, S.**,

Was read a third time, and passed.

No. **903, A.**,

Was read a third time, and concurred in.

No. **509, A.**,

No. **937, A.**,

No. **1032, A.**, and

Res. No. 60, A.,
on motion of Senator Ackley,
l over until Wednesday, June 4, 1913.

ADJOURNMENT.

on motion of Senator Teasdale,
senate adjourned.

BILLS FOR REVISION.

special committee on Insurance filed four bills for revision
clerk's desk.

chief clerk records:

417, S.,

455, S.,

457, S.,

463, S.,

464, S.,

467, S., and

493, S.,

ectly enrolled at 8:30 o'clock p. m.

TUESDAY, JUNE 3,
10 O'CLOCK

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Howard R. Gold.

The roll was called and the following senators answered their names:

Senators Ackley, Albers, Bichler, Bosshard Culbertson, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, True, leder, and Zophy—21.

Absent—Senators Cunningham, Randolph, Richards, Weigle, and White—6.

Absent with leave—Senators Bishop, Burke, Hoyt, Perkins, Stevens—5.

LEAVE OF ABSENCE.

Upon request of Senator Weissleder,

Leave of absence was granted to Senator Richards for the session.

The journal of yesterday was approved.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend for introduction bill bearing revision No. 583.

H. C. MARTIN
Chairman

The bill was read by title, and the recommendation of the committee stood as the order of the senate.

BILL INTRODUCED.

and first time and referred.

53, S. (Revision No. 583). By Senator H. C. Martin. To committee on Judiciary.

MESSAGE FROM THE ASSEMBLY.

C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

am directed to inform you that the assembly has returned, as requested,

418, A.

ASSEMBLY MESSAGE CONSIDERED.

418, A.

on request of Senator Bosshard, the bill was returned to the assembly with the request that they reconsider their action on amendment No. 1, S., and return the bill to the senate.

96, A.

endment No. 3, A., concurred in.
and third time and concurred in.

337, A.

endment No. 2, A., concurred in.
and third time and concurred in.

94, S.

endment No. 1, A., concurred in.

409, S.

endment No. 1, S., to substitute amendment No. 1, A.
on motion of Senator Husting,
the senate insisted upon its position and asked for a committee conference.

442, S.

stitute amendment No. 1, A., concurred in.

473, S.

endment No. 1, A., concurred in.

1091, A.

on motion of Senator Scott, and with unanimous consent,
a vote by which the bill was concurred in was reconsidered.

stitute amendment No. 1, A., concurred in.

1091, A., as amended,

was concurred in.

BILLS AND RESOLUTIONS READY FOR ENGROSS

No. **55, S.**

Upon request of Senator Kellogg, and with unanimou
Laid over until Wednesday, June 4, 1913.

No. **192, S.**

Substitute amendment No. 1, S., rejected.
Substitute amendment No. 2, S., adopted.
Ordered engrossed and read a third time.

No. **270, S.**

Substitute amendment No. 1, S., adopted.
Ordered engrossed and read a third time.

No. **273, S.**

Amendment No. 1, S., to substitute amendment
adopted.

Substitute amendment No. 1, S., as amended, adopted.
Ordered engrossed and read a third time.

Read second time.

No. **478, S.,**

. Ordered engrossed and read a third time.

No. **511, S.**

Amendment No. 1, S., adopted.
Ordered engrossed and read a third time.

No. **192, S.,**No. **270, S.,**No. **273, S.,**No. **478, S.,** andNo. **511, S.**

Upon motion of Senator Ackley,

All rules interfering were suspended, with unanimou
and the bills were placed upon their final passage at this

No. **192, S.,**No. **270, S.,**No. **273, S.,** andNo. **511, S.,**

Were each severally read a third time, and passed.

No. **478, S.,**

A bill to amend section 20.70 of the statutes, relating
publication of general laws by semi-weekly newspapers,
Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was:
noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, C
Glenn, Huber, Husting, Kellogg, Linley, Martin A.

Monk, Scott, Skogmo, Teasdale, Tomkins, True, Weiss-
and Zophy—20.

—None.

at or not voting—Senators Bishop, Burke, Cunningham,
Kileen, Perry, Randolph, Richards, Snover, Stevens, Wei-
White—12.

o the bill was passed.

537, S.

dment No. 1, S., adopted.

ed engrossed and read a third time.

motion of Senator Bosshard,
les interfering were suspended, with unanimous consent,

ill was placed upon its final passage at this time.

ill was read a third time, and passed.

27, S.,

nitely postponed.

94, S.

or Zophy offered amendment No. 1, S.

motion of Senator Zophy, and with unanimous consent,
over until Wednesday, June 4, 1913.

AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

second time.

66, A.

motion of Senator Skogmo,
ferred to committee on Judiciary.

19, A.,

84, A.,

99, A.,

95, A.,

021, A.,

163, A., and

187, A.,

each severally ordered to a third reading.

27, A.

motion of Senator Kileen,
over until Thursday, June 5, 1913.

46, A.

stitute amendment No. 1, S., adopted.
ed to a third reading.

91, A.

ment No. 1, S., adopted.
ed to a third reading.

No. 788, A.

Amendmdnt No. 1, S., adopted.

Ordered to a third reading.

No. 896, A.

Upon motion of Senator Kileen,

Laid over until Thursday, June 5, 1913.

No. 964, A.

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. 1152, A.

Substitute amendment No. 1, S., adopted.

Ordered to a third reading.

No. 1183, A.

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. 261, A.

Upon motion of Senator Tomkins,

Laid over until Thursday, June 5, 1913.

No. 334, A.,

No. 1019, A., and

No. 1127, A.,

Were severally non-concurred in.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. 83, S.,

A bill to amend subsection 1 of section 496b, and subsections 2 and 3 of section 496c, of the statutes, relating to a training course for teachers, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes—noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. Martin H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, and Weissleder—20.

Noes—None.

Absent or not voting—Senators Bishop, Burke, Cunningham, Hoyt, Perry, Randolph, Richards, Snover, Stevens, White, and Zophy—12.

And so the bill was passed.

No. 121, S.,

A bill to repeal sections 491a, 491b, and 496 of the statutes, and to create section 496 of the statutes, relating to the amount

to be paid to free high schools, and making an appropriation therefor,

was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; none; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, and Zophy—21.

Noes—None.

Absent or not voting—Senators Bishop, Burke, Cunningham, Perry, Randolph, Richards, Snover, Stevens, Weigle, and White—11.

And so the bill was passed.

S. 205, S.,

Bill to create section 560g—1 of the statutes, relating to aid to rural schools, and making an appropriation therefor, was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Culbertson, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, and Zophy—20.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Burke, Cunningham, Hoyt, Perry, Randolph, Richards, Snover, Stevens, Weigle, and White—12.

And so the bill was passed.

S. 295, S.,

was read a third time, and passed.

S. 488, S.,

Bill to appropriate to John A. Sholts a sum of money therein provided for expenses incurred in defending a suit for damages brought against him as state fish and game warden, was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 12; noes, 9; absent or not voting, 11, as follows:

Ayes—Senators Bosshard, Huber, Linley, Martin H. C., Monk, Perry, Skogmo, Teasdale, Tomkins, True, Weissleder, and Zophy—12.

Noes—Senators Ackley, Albers, Bichler, Culbertson, Glenn, Husting, Kellogg, Kileen, and Martin A. E.—9.

Absent or not voting—Senators Bishop, Burke, Cunningham, Perry, Randolph, Richards, Snover, Stevens, Weigle, and White—11.

And so the bill was passed.

No. **516, S.**,

No. **517, S.**,

No. **519, S.**, and

No. **520, S.**,

Were each severally read a third time, and passed.

Jt. Res. No. 52, S.,

Rejecting and disallowing certain claims against the state of
Northwestern Mutual Life Insurance Company,

Was read a third time.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: A
noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Cul
Glenn, Huber, Husting, Kellogg, Linley, Martin A. E.,
H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, True
leder, and Zophy—20.

Noes—None.

Absent or not voting—Senators Bishop, Burke, Cunn
Hoyt, Kileen, Perry, Randolph, Richards, Snover,
Weigle, and White—12.

And so the resolution was adopted.

No. **601, A.**,

A bill to repeal subdivision (f) of section 1087m—3 and
visions (e) and (f) of section 1087m—4 of the statutes, rel
deductions from the income of corporations and persons,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: A
noes, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Cul
Glenn, Huber, Husting, Kellogg, Linley, Martin A. E.,
H. C., Monk, Scott, Skogmo, Teasdale, Tomkins, True
leder, and Zophy—20.

Noes—None.

Absent or not voting—Senators Bishop, Burke, Cunn
Hoyt, Kileen, Perry, Randolph, Richards, Snover,
Weigle, and White—12.

And so the bill was concurred in.

No. **853, A.**

Upon motion of Senator Bosshard,

Laid over until Thursday, June 5, 1913.

No. **880, A.**

Read third time and concurred in.

Upon motion of Senator Scott, and with unanimous con

All rules interfering were suspended, and committee c
were allowed to file their reports during the day at the
desk.

ADJOURNMENT.

Upon motion of Senator Monk,
The senate adjourned.

BILLS FOR REVISION.

Senator Hoyt filed one bill for revision at the clerk's desk.

COMMITTEE REPORTS.

Received after the Session.

The special committee on Conservation report and recommend:

Jt. Res. No. 11, S.,

Indefinite postponement.

Jt. Res. No. 56, S.,

Adoption.

No. 487, A.,

Adoption of substitute amendment No. 1, S., and concurrence.

PAUL O. HUSTING,

Chairman.

The committee on Education and Public Welfare report and recommend:

No. 543, S.,

Passage.

No. 650, A.,

Adoption of amendment No. 1, S., and concurrence.

No. 286, A.,

No. 635, A.,

No. 1107, A., and

No. 1118, A.,

concurrency.

No. 1180, A.,

Adoption of amendment No. 1, S., and concurrence

HOWARD TEASDALE,

Chairman.

The committee on State Affairs report and recommend:

No. 391, S.

Adoption of substitute amendment No. 1, S., with amendment

No. 1, S., and passage.

M. F. WHITE,

Chairman.

The committee on Corporations report and recommend:
 No. **657, A.**,
 No. **825, A.**,
 No. **1012, A.**,
 No. **1031, A.**,
 No. **1130, A.**, and
 No. **1164, A.**,
 Concurrence.

OTTO BOSSHARD
 Chair

STATE FAIR INVESTIGATING COMMITTEE

Majority Report.

To the Honorable, the Legislature of the State of Wisconsin.

We, the undersigned, constituting a majority of the committee appointed under chapter 90, laws of 1913, to investigate the ability and feasibility of establishing a permanent location for Wisconsin State Fair grounds, do report as follows:

First: That we have made a full and complete investigation of the sites and propositions submitted by the city of Madison, the city of Janesville, the cities of Oshkosh and Fond du Lac, the city of Green Bay, and have compared said sites and propositions with the present site of the state fair grounds located in Milwaukee county.

Second: That each of the said cities proposing sites, including the city of Milwaukee, was given two public hearings, wherein the advantages and disadvantages of each of the sites was fully discussed, including the kind of soil, transportation, hotel facilities, etc.

Third: We find the present state fair grounds to be equipped with many permanent buildings, built of steel, brick, and concrete, comparatively new and in first-class condition, together also with other permanent improvements such as race tracks, streets, walks, sewage, light and water system, etc., amounting in cost at least \$300,000.00.

In addition to the buildings already enumerated there are many wooden buildings which can be used for some time but must be replaced from time to time with permanent structures.

Your committee in arriving at its conclusions herein has also taken into consideration the fact that if a new site is selected practically all of the permanent buildings now located at the present state fair grounds would be a loss to the state and would necessitate an appropriation and expenditure of at least one or seven hundred thousand dollars in equipping new grounds.

Fourth: After a full investigation with reference to the location of railroad facilities, grounds, hotel and rooming accommodations, density of population, availability to rural districts by means of railroads, both steam and interurban, we have come to the

sion that the Wisconsin State Fair will be more of a success, industriously, agriculturally, educationally, financially, and nearer self-sustaining at its present location than at any of the other sites submitted for consideration.

Fifth: Your committee believes that in order to conduct a successful state fair additional grounds are necessary, and we hold that such grounds are available and that a bill has been introduced in the senate known as No. **552, S.**, which, when it becomes a law, will give authority to Milwaukee county to purchase such additional ground and convey it free of charge to the state of Wisconsin to be used for fair ground purposes. And we are informed and believe that as soon as the said bill becomes a law, the county of Milwaukee will immediately secure the title to additional land, and convey the same as hereinbefore stated to the state of Wisconsin for fair ground purposes. And your committee believes that the establishment of adequate street railway terminal facilities will fully solve the local transportation question, which has heretofore been a great handicap to the successful operation of the fair.

Sixth: Now, therefore, your committee having taken into consideration all the above and foregoing, together with numerous other facts, too numerous to mention, recommend that the present location, together with the additional land above referred to, be the permanent location for the Wisconsin State Fair.

GEORGE J. WEIGLE,
W. J. BICHLER,
CHAS. LENTZ,
A. GULICKSON,
C. H. EVERETT.
D. D. CONWAY.

STATE FAIR INVESTIGATING COMMITTEE.

Minority Report.

We recommend the location of the state fair in what is known as the Fox River Valley, the site of two hundred and fifty acres to be selected by the State Board of Agriculture, the same to be purchased by the cities of Oshkosh and Fond du Lac and donated to the state. Our reason for recommending this site is because we think the Fox River Valley is the nearest centrally located point of the agricultural part of the state and will be so in the future as the northern part of the state is developed. We have letters from the Soo and the Northwestern railways that they will put in satisfactory side tracks and will furnish ample service to accommodate the people. The Eastern Wisconsin Railroad and Lighting Company also agrees to put in the necessary terminal facilities at the selected site and to furnish cars enough to take care of the public and prevent congestion in transporting them to and from the fair grounds.

It is further our conviction that by starting a new fair that considerable improvement can be made over what we have as to grounds and buildings by erecting new and more ample and up-to-date buildings, properly located, with more space and accommodation for the public.

It is necessary to have at least two hundred and fifty acres of ground to make a good state fair, as all other successful fairs have that much ground or more.

We recommend that there be appropriated \$200,000 for the improvement of the grounds and the erection of buildings which, together with the proceeds derived from the sale of the present grounds and buildings, we consider will be sufficient to equip an up-to-date fair. We recommend that the State Board of Agriculture be authorized to sell the land and buildings on such buildings as it thinks best to the new site.

Signed. M. F. WHITE,
JAMES LARSEN,
GEO. CARPENTER.

BILLS AND RESOLUTIONS FOR REVISION

The committee on Corporations filed one bill for revision. Senator Glenn filed one joint resolution for revision at the desk.

WEDNESDAY, JUNE 4, 1913.

10:00 O'CLOCK A. M.

Senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Howard R. Gold.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Dillingham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Lester, Martin A. E., Martin H. C., Monk, Perry, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Present—Senator Randolph—1.

Present with leave—Senator Bishop—1.

LEAVE OF ABSENCE.

Upon request,

leave of absence was granted to Senator Weissleder until Friday, June 10, 1913.

The journal of yesterday was approved.

The president appointed on part of the senate as committee of conference on No. **52, S.**, Senators Burke, Tomkins and Bosshard, and on No. **409, S.**, Senators Husting, White and Zophy.

RESOLUTION INTRODUCED.

Res. No. 25, S.,

WHEREAS, The senate has adopted a resolution for a recess of the legislature until January, 1914, and

WHEREAS, The governor has sent to the legislature a special message against such a recess, in which he said: "Why adjourn?
* * * * If any good reasons can be given for this departure they should be made public. The motives prompting

such action should be such as to bear public scrutiny. therefore,

Be it resolved by the senate, That the chief clerk be and is directed to deliver the following

MESSAGE TO THE GOVERNOR.

One thousand seven hundred and fifty bills have been introduced in this legislature. This exceeds the number of bills introduced in any other session in many years. So diligent has this legislature been, that in a few days all of these bills will have been acted upon, except those relating to waterpowers, direct taxation, and mothers' pensions.

At all sessions of the Wisconsin legislature, and of every other legislative body in the world, except in cases of emergency or of matters previously well investigated by the legislature, the important measures are not passed until the end of the session. The reason for this is that legislative bodies do not as a rule act hastily upon important legislation but investigate, deliberate, and consider until the best method a body can work out is written. The first half of the bills passed by any session of the legislature would lead one to suppose with the necessary methods of legislation to conclude that this particular legislature was a do-nothing body. But the process of passing laws through the two houses is but a small part of their enactment. In almost every instance in the history of the legislature the major part of the work is done and the final part of the time is used before the bill is reported from committee.

During some sessions of the legislature the political situation is quiet; at such times public attention is directed toward the measures being considered. During some other sessions of the legislature the political situation is disturbed, and the attention of the public is likely to be directed mainly to these disturbances. The public, however, is likely to be distracted from attending to the measures much more than members of the legislature and those directly concerned in the enacting of important legislation.

During this session of the legislature the political situation has been subject to some disturbance, due more to national than to state causes. It is not remarkable that those who have the major portion of their time and attention to political questions lose sight of the important measure this legislature is considering or is considering, and has passed or is in the process of passing. The senate calls attention to the fact that many important laws have been enacted at this session, and that many more important laws, including most of the larger and more comprehensive measures, some of which will compare with the best bills of other sessions, are very nearly worked out or very nearly in the final stage of passage. An examination of the legislative work will demonstrate that this legislature has done and is doing its constructive work.

this volume of work, which the legislature has not shirked, it has not been possible to give adequate attention or consideration to the subject of waterpowers, marketing, or mothers' pensions. Precipitancy has no constructive progressivism that has made Wisconsin leader of the progressive movement. Wisconsin owes its reputation for sound progressive legislation in large measure to its recess committees of the legislature. Had any one of the progressive laws of the state been written in haste or without thorough legislative investigation and deliberation, Wisconsin's leadership would have been jeopardized and the confidence of the states that are following along the path pioneered by this state would have been shattered.

The senate cannot lose sight of the fact that the governor, by his experience as a legislator, advises members grown gray in executive service, members who have served in the legislature and taken an active part in the working out and enactment of all of the progressive statutes that have been written in this state in the last decade or more, upon matters purely of legislative character, that he even seeks to force the legislature to vote upon insufficiently considered measure, advanced by him without making the investigation that the history of the progressive movement in this state teaches those old in legislative experience is essential. A hasty and defective enactment is almost always to be much worse than no enactment at all. The senate knows that the governor sometimes acts hastily in his official capacity, and the senate realizes the more than ordinary necessity for the legislature to make its own investigations and legislative decisions upon facts thus brought within its own knowledge.

The recent decision of the supreme court in the case of the state police commissioner should warn all officials against haste and arbitrariness, and should teach them that the rights of others must be given full consideration in officials' acts, and that full publicity for the presentation of every man's case must be had. Government is to be other than a despotism by those in power.

This lesson applies not only to executive and administrative officials, but to the legislature in its consideration of problems that involve the rights of citizens of the state.

The waterpower law passed in 1911 has been declared unconstitutional by the supreme court. That decision has taken away from the state the rights it was hoped the state retained in this great resource. Just how much remains may take another decision of the court to determine, but the legislature must retain to itself as much right as possible. To do this, to make certain that none of the rights the people have in the waterpowers of the state are granted away, and that no encroachment is made upon the rights of the individual property owner, so that the law and the test of the court, is no easy task nor one that can be accomplished in a short time. If the law passed by this legislature fails in

the court, waterpower development will be held up until January. The special conservation committee of the senate asks until January to work out this problem.

The subject of mothers' pensions is a new one, not only consin but elsewhere. Very little experience and very little investigation can be found upon which to draw in drafting a law, which has been pledged to the people of the state and shall be enacted by this legislature. There have been presented different plans, and the best friends of mothers' pensions a time be given to work out the problem, so that when it shall be enacted it will be as certain of success as have been other progressive laws of this state enacted in recent years.

The subject of direct marketing also raises serious questions of constitutionality. The direct marketing bill passed by the legislature was vetoed on the ground of unconstitutionality. Lawyers have raised questions of constitutionality against provisions of other bills upon direct marketing pending in the legislature. Here also are raised big questions of policy. Several years the people have been promised investigation in this direction. So many other big questions occupied the attention of the legislature of 1911 that but little was done on the subject of cooperation in selling and buying. The legislature, however, were again promised in 1912 the pursuance of this subject. Up to this time the legislature has been so occupied with the enormous amount of business poured upon it from all directions that the state has not been able to make the investigation and give the consideration necessary to this subject.

The senate insists that the subject shall be thoroughly investigated and considered, and that this shall be done by this legislature. This is possible only by the taking of a recess or by duly prolonging this session. This legislature must give to the affected interest in this matter its time for hearing, and then consider every principle of public policy laid down in the bill that shall be enacted.

A recess now until next January will not only enable the legislature to properly consider laws upon water powers, direct marketing, and mothers' pensions, but with the session next confined to the consideration of the bills introduced by the recess committees upon these three subjects, as the recess resolution provides, the legislature will not be in session more than a week or two at that time. The special session of 1905 and the special session of 1911 both demonstrate this. If the legislature does not take a recess until January, however, adjournment will be taken until the middle of July or perhaps until in August. This recess will not only bring about better legislation, but will cost the state about as little as a recess.

In his special message against a recess, the governor says that politics actuated those who in the senate voted for the resolution, in the following words: "Your predecessors have never subordinated the duty of enacting important legisla-

rements of fishing, farming, or factional politics; and should not think of setting the example now." It is a fair assumption that he based this charge, in major part, at least, upon the tendency of the case of the insurance commissioner in the court and the defeat of the bill which was calculated to go to court review for the removal by the executive of commission. The decision of the court has the same effect as would the passage of such a bill, and no further reason could be imagined for the case to make any one desire a session of the legislature in January.

The senate is convinced of the necessity for a recess, acting upon the motives that actuated it in adopting the resolution,—full discussion and consideration of the three subjects named in the resolution and the enactment of comprehensive and constructive legislation on these three subjects. The senate believes that the acts of the legislature should not be precipitate or arbitrary, whatever the example or wish of any other department of the state government.

Senator Scott.

Question was, Shall the resolution be adopted?

Ayes and noes were demanded, and the vote was: Ayes, 10, 8; absent or not voting, 2, as follows:

—Senators Biehler, Bosshard, Cunningham, Glenn, Huber, Kellogg, Linley, Martin H. C., Monk, Perry, Richards, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Alder, White, and Zophy—22.

—Senators Ackley, Albers, Burke, Culbertson, Hoyt, Martin A. E., and Snover—8.

Not or not voting—Senators Bishop and Randolph—2.

So the resolution was adopted.

MOTIONS.

04, S.

Motion of Senator Scott,

referred from the committee on Finance and re-referred to the committee on State Affairs.

Committee on Legislative Procedure report and recommend the introduction of bills bearing the following revision numbers:

582, 584, 585, 586, 587, 588.

H. C. MARTIN,
Chairman.

Bills were read by title and the recommendation of the committee was read as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

- No. **554, S.** (Revision No. 582). By Committee on
To committee on Judiciary.
- No. **555, S.** (Revision No. 584). By Special Commit-
tee on Insurance. To special committee on In-
surance. To special committee on
- No. **556, S.** (Revision No. 585). By Special Commit-
tee on Insurance. To special committee on
- No. **557, S.** (Revision No. 586). By Special Commit-
tee on Insurance. To special committee on
- No. **558, S.** (Revision No. 587). By Special Commit-
tee on Insurance. To special committee on
- No. **559, S.** (Revision No. 588). By Senator Hoyt.
To committee on Education and Public Wel-

PETITIONS.

- Pet. No. 637, S. By Senator Linley. To committee
on Judiciary.

COMMUNICATION TO THE SENATE.

JUNE

Mr. F. M. WYLIE, *Chief Clerk,*
Senate Chamber.

Dear Sir: Enclosed please find report on the Insu-
rance Retirement Fund in compliance with resolution No. 24

Very truly yours,

HERMAN L. EKE

Comm

The report was referred to the committee on Edu-
cation and Public Welfare.

COMMITTEE REPORT.

- The joint committee on Finance report and recommen-
dation on
No. **389, S.,**
Amendment No. 1, S., to substitute amendment No. 1
for passage.
- No. **490, S.,**
Amendment No. 1, S., and passage.
- No. **513, S.,**
Amendment No. 1, S., and passage.

G. E. SCO
C

EXECUTIVE COMMUNICATION.

Honorable, the Senate:

suant to the statute governing, I hereby nominate and with
vice and consent of the senate appoint:

E. Kuolt of Kenosha, to be commissioner of banking for
m ending May 15, 1918.

Katherine R. Williams of Milwaukee, to be a member of the
board of control of Wisconsin for the term ending the first
ay in April, 1917.

P. Lewis of Friendship, to be a member of the state
of control of Wisconsin for the term ending the first Mon-
April, 1915.

William H. Graebner of Milwaukee, to be a member of the
board of control of Wisconsin for the term ending the first
ay in April, 1918.

D. Emery of Albion, to be dairy and food commissioner for
m ending the first Monday in February, 1915.

H. Eliason of Omro, to be state veterinarian for the term
r the first of June, 1915.

is F. Meyer of Milwaukee, to be supervisor of inspectors of
nating oils for the term ending April 1st, 1915.

Respectfully submitted,

FRANCIS E. McGOVERN,

(Governor.

e 3, 1913.

alendar.

EXECUTIVE COMMUNICATION CONSIDERED.

188, S.,

alled from governor.

on motion of Senator A. E. Martin, and with unanimous con-

vote by which the bill was passed, was reconsidered.

on motion of Senator A. E. Martin,

bill was re-referred to the committee on State Affairs.

225, S.

on motion of Senator Glenn,

d upon the table.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to
No. **518, A.**

Has adopted the report of the committee on conference and has concurred in amendment No. 1, S., to
No. **799, A.**

Has concurred in amendment No. 1, S., to
No. **1178, A.**

Has reconsidered its action and has non-concurred in amendment No. 1, S., to
No. **418, A.**

And returns bill to senate by request.

ASSEMBLY MESSAGE CONSIDERED.

No. **418, A.**

Upon motion of Senator Borshard,
Placed at foot of calendar.

No. **82, S.**

Amendment No. 1, A., concurred in.

No. **253, A.**

Upon motion of Senator True, and with unanimous concurrence,
The vote by which the bill was concurred in, was reconsidered.
Substitute amendment No. 2, A., concurred in, and
The bill, as amended, was read a third time, and concurred in.

No. **772, A.**

Upon motion of Senator Culbertson, and with unanimous concurrence,
sent,

The vote by which the bill was concurred in, was reconsidered.
Upon motion of Senator Culbertson,
The bill was non-concurred in.

MOTIONS CONSIDERED.

No. **17, A.**

Motion to reconsider vote by which non-concurred in, passed.
The senate refused to reconsider the vote.

No. **62, A.,**

A bill to amend section 1 of chapter 459, laws of 1907,
relating to the board of school directors in cities of the first class.

question was, Shall the vote by which the bill was non-concurred in be reconsidered?

Ayes and noes were demanded, and the vote was: Ayes, 21; absent or not voting, 4, as follows:

—Senators Bichler, Bosshard, Culbertson, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Scott, Skogmo, Stevens, Tomkins, True, Weigle, and White, and Zophy—21.

—Senators Ackley, Albers, Cunningham, Monk, Perry, and Teasdale—7.

Present or not voting—Senators Bishop, Burke, Glenn, and Randall—4.

So the vote was reconsidered.

The Senate then refused to non-concur in the bill and thereby carried it to a third reading.

SENATE RESOLUTIONS AND RESOLUTIONS READY FOR ENGROSSMENT.

1923, S.

Motion of Senator Kileen, carried upon the table.

1942, S.

Senator Tomkins offered amendment No. 1, S.,

Motion of Senator Linley, carried over until Tuesday, June 10, 1913.

195, S.

Motion of Senator Bosshard, referred to committee on Finance.

1994, S.

Amendment No. 1, S., withdrawn with unanimous consent.

Senator Zophy offered amendment No. 2, S.

Motion of Senator Zophy, carried over until Friday, June 6, 1913.

194, S.

Motion of Senator Skogmo, carried over until Wednesday, June 11, 1913.

SENATE RESOLUTIONS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Second time.

1983, A.

Motion of Senator Tomkins, carried at the foot of the calendar.

1978, A.,

to create section 925—94m of the statutes, authorizing the first class to bid upon public work and providing for the same of financing and assessing the same.

56—S. J.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes—noes, 12; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Glenn, Logg, Linley, Martin A. E., Perry, Snover, Stevens, Teasdale and Weigle—13.

Noes—Senators Bosshard, Cunningham, Hoyt, Huber, King, Martin H. C., Monk, Richards, Scott, Tomkins, Weller and Zophy—12.

Absent or not voting—Senators Bishop, Culbertson, Kilgus, Randolph, Skogmo, True, and White—7.

And so the bill was non-concurred in.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator Bosshard filed one bill for revision and the joint committee on Finance filed two bills for revision at the clerk's desk.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

LEAVE OF ABSENCE.

Upon request of Senator Huber,

Leave of absence was granted to Senator True for this session.

RESOLUTIONS INTRODUCED.

Read first time and referred.

Jt. Res. No. 57, S. (Revision No. 590). By Senator Gilman.
To committee on State Affairs.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 589, 591, 592, 593.

H. C. MARTIN,
Chairman

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

b. **560, S.** (Revision No. 589). By Committee on Corporations. To committee on Corporations.

b. **561, S.** (Revision No. 591). By Joint Committee on Finance. To calendar.

b. **562, S.** (Revision No. 593). By Senator Bosshard. To committee on Judiciary.

b. **563, S.** (Revision No. 592). By Joint Committee on Finance. To joint committee on Finance.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **545, S.**, and

No. **546, S.**,

Passage.

No. **588, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **614, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **106, A.**,

No. **407, A.**,

No. **736, A.**,

No. **1160, A.**,

No. **1172, A.**,

No. **1173, A.**, and

No. **1174, A.**,

Concurrence.

OTTO BOSSHARD,

Chairman.

The committee on Judiciary report and recommend:

No. **534, S.**,

Passage.

No. **1116, A.**,

Concurrence.

No. **550, S.**,

Adoption of amendment No. 1, S., and passage.

Jt. Res. No. 38, A.,

Concurrence.

No. **535, S.**, and

No. **547, S.**,

Indefinite postponement.

E. F. KILEEN,

Chairman.

The special committee on Highways report and recommend
 No. **544, S.**,
 Passage.

TIMOTHY BURKE
 Chair

No. **544, S.**

Re-referred to the committee on Finance, under the rule

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **206, S.**

A bill to create section 1498—25 of the statutes, relating to establishing of a state game farm,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 9; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Burke, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards, Scott, Skogmo, Snover, Stevens, T. Tomkins, Weigle, White, and Zophy—23.

Noes—None.

Absent or not voting—Senators Bichler, Bishop, Cull, Cunningham, Hoyt, Martin H. C., Randolph, Tru Weissleder—9.

And so the bill was passed.

Upon request of Senator Burke,

All rules interfering, were suspended with unanimous consent

The bill was ordered messaged to the assembly at once.

No. **318, S.**

Senator Zophy, with unanimous consent, offered substitute amendment No. 2, S.

Laid over under the rules.

Upon request of Senator Kellogg, rule 11 was suspended with unanimous consent.

No. **341, S.**

A bill to appropriate to certain persons the amounts named, being a repayment of the license fees for police licenses issued pursuant to section 4560a—40 of the statutes.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 8; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin

k, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, White, and Zophy—24.

Noes—None.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Hoyt, Martin H. C., Randolph, True, and Weissleder

and so the bill was passed.

S. 524, S.,

S. 530, S.,

S. 531, S.,

S. 532, S., and

S. 538, S.,

were each severally read a third time, and passed.

S. 50, A.,

was read a third time and concurred in.

S. 116, A.,

bill to create section 2774a of the statutes, relating to the issuance of restraining orders and injunctions and procedure thereunder, and to limit the meaning of "conspiracy" in certain cases,

was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 9;

noes, 16; paired, 2; absent or not voting, 5, as follows:

Ayes—Senators Hoyt, Husting, Martin H. C., Monk, Richards, Tomkins, Skogmo, Tomkins, and Zophy—9.

Noes—Senators Ackley, Albers, Bichler, Bosshard, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Perry, Snover, Stevens, Teasdale, Weigle, and White—16.

Required—Senator Huber for concurrence, Senator Bishop for non-concurrence—2.

Absent or not voting—Senators Burke, Culbertson, Randolph, True, and Weissleder—5.

and so the senate refused to concur in the bill.

Senator A. E. Martin moved that the vote by which the bill was passed be non-concurred in be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 10;

noes, 16; paired, 2; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Hoyt, Husting, Martin H. C., Monk, Richards, Scott, Skogmo, Tomkins, and Zophy—10.

Noes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Perry, Snover, Stevens, Teasdale, Weigle, and White—16.

Required—Senator Huber for reconsideration, Senator Bishop for non-concurrence—2.

Absent or not voting—Senators Culbertson, Randolph, True, and Weissleder—4.

and so the senate refused to reconsider the vote.

No. 509, A.,

A bill to amend subsection 1 and subsection 6, of section 49 and section 496i of the statutes, relating to the amount of aid to be paid to districts maintaining state graded schools and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 10; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bosshard, Burdette, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kile, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, White, and Zophy—25.

Noes—None.

Absent or not voting—Senators Bishop, Culbertson, Linley, Perry, Randolph, True, and Weissleder—7.

And so the bill was concurred in.

No. 583, A.,

Upon motion of Senator Kileen,

Laid over until Wednesday, June 11, 1913.

No. 937, A.,

A bill to amend sections 1410f, 1410g, 1410h, 1410i and 1410j of the statutes, relating to state board of dental examiners, and providing penalties,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 10; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, Weigle, White, and Zophy—23.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Linley, Perry, Randolph, Stevens, True, and Weissleder—9.

And so the bill was concurred in.

No. 966, A.,

A bill to amend subsections 3 and 19 of section 925 of the statutes and to create subsection 20 of section 925xx, relating to teachers' retirement fund.

Senator Teasdale, with unanimous consent, offered amendment No. 1, S.,

Which amendment was adopted.

The bill was read a third time.

The question then was, Shall the bill, as amended, be concurred in?

The ayes and noes were required, and the vote was: Ayes, 10; noes, none; absent or not voting, 10, as follows:

yes—Senators Albers, Bichler, Bosshard, Burke, Cunningham, H. C., Monk, Richards, Scott, Stevens, Teasdale, Tomkins, White, and Zophy—22.

noes—None.

absent or not voting—Senators Ackley, Bishop, Culbertson, Perry, Randolph, Skogmo, Snover, True, and Weissleder—0.

and so the bill was concurred in.

Co. 1032, A.,

bill to amend section 20.28 of the statutes, relating to bul-
lions and transactions of the Wisconsin teachers' association,
was read a third time.

the question was, Shall the bill be concurred in?

the ayes and noes were required, and the vote was: Ayes, 20;
noes, none; absent or not voting, 12, as follows:

yes—Senators Albers, Bichler, Bosshard, Burke, Cuning-
gham, Glenn, Hoyt, Huber, Kellogg, Kileen, Martin A. E.,
H. C., Monk, Scott, Stevens, Teasdale, Tomkins, Wei-
gle, White, and Zophy—20.

noes—None.

absent or not voting—Senators Ackley, Bishop, Culbertson,
Husting, Linley, Perry, Randolph, Richards, Skogmo, Snover,
True, and Weissleder—12.

and so the bill was concurred in.

Co. 1128, A.,

bill to amend subsection 4 of section 925—216 of the stat-
utes, relating to the assessment against lots for construction of
sewerage systems in cities of the third or fourth class,
was read a third time.

the question was, Shall the bill be concurred in?

the ayes and noes were required, and the vote was: Ayes, 21;
noes, none; absent or not voting, 11, as follows:

yes—Senators Ackley, Albers, Bichler, Bosshard, Burke,
Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Martin A. E.,
H. C., Monk, Scott, Stevens, Teasdale, Tomkins, Weigle,
White, and Zophy—21.

noes—None.

absent or not voting—Senators Bishop, Culbertson, Hustling,
Linley, Perry, Randolph, Richards, Skogmo, Snover, True, and
Weissleder—11.

and so the bill was concurred in.

Co. 1156, A.,

Co. 1167, A.,

Co. 1181, A.,

Co. 1182, A., and

Res. No. 60, A.,

were each severally read a third time, and concurred in.

PLACED AT FOOT OF CALENDAR.

No. **383, A.**

Senator Kileen offered amendment No. 1, S.,

Which amendment was adopted.

Ordered to a third reading.

No. **418, A.,**

Upon motion of Senator Bosshard,

All rules interfering, were suspended with unanimous
and the vote by which the bill was concurred, was recons

Upon motion of Senator Bosshard,

All rules interfering, were suspended with unanimous con
the vote by which the bill was ordered to a third reading,
considered.

Upon motion of Senator Bosshard,

All rules interfering, were suspended with unanimous
and the vote by which amendment No. 1, S., was adop
reconsidered.

Amendment No. 1, S., was refused adoption.

Senator Bosshard offered substitute amendment No. 2,

Which amendment was adopted, and

The bill, as amended, was ordered to a third reading.

Upon motion of Senator Bosshard,

All rules interfering, were suspended with unanimous
and the bill was placed upon its concurrence at this time.

No. **418, A.,**

Was read a third time, and concurred in.

ADJOURNMENT.

Upon motion of Senator Burke,

The senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **310, S.,**

No. **364, S.,**

No. **434, S.,**

No. **447, S.,**

No. **451, S.,**

No. **470, S.,**

No. **476, S.,**

No. **483, S.,**

No. **486, S.,** and

No. **492, S.,**

Correctly enrolled at 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator Scott filed two bills for revision, the committee on State Affairs filed one bill for revision, the committee on Corporations filed one bill for revision, and Senator Bosshard filed one bill for revision at the clerk's desk.

THURSDAY, JUNE 5,
10:00 O'CLOCK

The senate met.

The president in the chair.

Prayer was offered by the Rev. Howard R. Gold.

The roll was called, and the following senators answered their names:

Senators Ackley, Albers, Bichler, Bosshard, Burlingham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, A. E., Martin H. C., Monk, Perry, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, W. Zephy—27.

Absent—Senators Culbertson, Linley, and Randolph—

Absent with leave—Senator Bishop and Weissleder—

The journal of yesterday was approved.

COMMITTEE REPORT.

The joint committee on Finance report and recommend
No. **142, S.**,

Indefinite postponement.

No. **490, A.**,

Amendment No. 1, S., and passage.

G. E. SCOTT
Chairman

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

No. **324, A.**, and

No. **434, A.**

has concurred in sub-amendment No. 1, S., to
No. **1165, A.**

passed, and asks concurrence in,

84, A.

recalled from the governor, amended, and passed, as

37, A.

adopted, and asks concurrence in,

es. No. 31, A.

reconsidered its vote by which concurred in, has concurred
 amendment No. 3, S., and concurred in, as amended,

53, S.

non-concurred in

05, S., and

es. No. 53, S.

ASSEMBLY MESSAGE CONSIDERED.

first time and referred.

84, A. To committee on Education and Public Welfare.

es. No. 31, A. To committee on Judiciary.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

91, S.,

to create section 1548—1m of the statutes, relating to the
 of licenses for retail traffic in intoxicating liquors and for
 transfer thereof.

amendment No. 1, S., to substitute amendment No. 1, S.,

for Husting offered amendment No. 2, S., to substitute
 amendment No. 1, S.

question was, Shall the amendment be adopted?

Ayes and noes were demanded, and the vote was: Ayes, 24;
 paired, 2; absent or not voting, 5, as follows:

—Senators Ackley, Biehler, Bosshard, Burke, Cunning-
 Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E.,
 H. C., Monk, Perry, Richards, Scott, Skogmo, Stevens,
 e, Tomkins, True, Weigle, White, and Zophy—24.

—Senator Albers—1.

d—Senator Weissleder for bill and substitute amendment,
 Glenn against bill and substitute amendment—2.

nt or not voting—Senators Bishop, Culbertson, Linley,
 ph, and Snover—5.

so the amendment was adopted.

or Bosshard offered amendment No. 3, S., to substitute
 amendment No. 1, S.,

h amendment was adopted.

Upon motion of Senator Bichler,

The vote by which amendment No. 3, S., to substitute amendment No. 1, S., was adopted, was reconsidered.

Senator Burke rose to a point of order that the remainder of Senator Skogmo regarding to the position of the assembly legislation were out of order.

The president held the point of order not well taken. The chair is of the opinion that it is in order to discuss the attitude of the legislature on public questions and it is all that the senator has done.

Senator Zophy moved that the bill be placed at the calendar.

Senator Richards moved that the motion be amended to lay the bill over until Wednesday, June 11, 1913.

Senator Husting, with unanimous consent, offered amendment No. 4, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Senator Skogmo, with unanimous consent, offered amendment No. 5, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Senator Richards asked unanimous consent to withdraw his motion.

Senator Skogmo objected.

Upon motion of Senator Bichler,

Senator Richards was permitted to withdraw his motion.

Senator Skogmo then moved that the motion of Senator Richards be amended to lay the bill over until Wednesday, June 11, 1913.

Division was called for, and the motion prevailed.

The motion of Senator Zophy, as amended by the motion of Senator Skogmo, prevailed, and

The bill was laid over until Wednesday, June 11, 1913.

Upon motion of Senator Burke,

No. 261, A.,

Was laid over until Wednesday, June 11, 1913.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Tompkins, to Senators Cunningham, A. E. Martin and Stevens, from Monday, June 9, and to Senators Stevens and Tompkins, Tuesday June 10, 1913.

RECESS.

Upon motion of Senator Tompkins.

The senate took a recess until 7:30 o'clock p. m.

chief clerk under rule 32, made the following correction
 to. **455, S.**
 the words "of the first class" after the word "cities"
 occurs in the first line of the title.

CHIEF CLERK'S REPORT.

chief clerk reports:
85, S.,
 tly engrossed.

BILLS FOR REVISION.

Committee on Judiciary filed two bills for revision at the
 desk.

7:30 O'CLOCK P. M.

Senate was called to order by the president.

BILLS READY FOR ENGROSSMENT.

second time.

43, S.,
 es. No. 56, S.,
 ed engrossed and read a third time.
 es. No. 11, S.,
 nitely postponed.

AS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

a second time.

27, A.
 tute amendment No. 1, S., adopted.
 ed to a third reading.

87, A.
 motion of Senator Tomkins,
 over till Wednesday, June 11, 1913.

No. 635, A.

Upon motion of Senator Teasdale,
Laid over until Wednesday, June 11, 1913.

No. 650, A.

Amendment No. 1, S., adopted.
Ordered to a third reading.

The chief clerk, under rule 32, made the following
to bill No. **825, A.**:

Strike out in line 11, section 747a, the words "and
number thereof".

Insert in line 16 of the same section after the word
works: "provided, that the county board may at
during the term of office of any such clerk of court pro-
employment of any such additional clerks or deputies
needed to properly conduct the work of the clerk's office."

Further insert in line 34 of said section after the word
the following: "except such work as is done by the
supervision and direction of the government of the United States
or by the special permit of the congress of the United States."

Strike through, in lines 12, 13, 14 and 15 of section 747a,
following: "For every violation of such oath the person
as reporter shall upon conviction be punished by imprisonment
the state's prison, not less than one nor more than five years."

Further strike through, in lines 26 and 27 of said section,
words, "and shall be subject to like penalties for every violation
of the provisions of such oath."

No. 896, A.,

Upon motion of Senator Ackley,
Laid over until Tuesday, June 10, 1913.

No. 286, A.,**No. 657, A.,****No. 825, A.,****No. 1012, A.,****No. 1031, A.,****No. 1107, A.,****No. 1118, A.,****No. 1130, A., and****No. 1164, A.,**

Were each severally ordered to a third reading.

No. 1180, A.

Amendment No. 1, S., adopted.
Ordered to a third reading.

ILLS AND RESOLUTIONS READY FOR THIRD READING.

119, A.,
184, A.,
853, A.,
1021, A.,
1163, A., and
1187, A.

on motion of Senator Scott,
over until Tuesday, June 10, 1913.

399, A.,
546, A.,
691, A.,
788, A.,
895, A.,
984, A.,
1152, A., and
1183, A.,

each severally read a third time, and concurred in.

MOTIONS.

on motion of Senator Bosshard, and with unanimous consent,
vote by which No. **508, S.**, was non-concurred in, was re-
ferred.

on motion of Senator Bosshard,
bill was re-referred to the committee on Corporations.
on motion of Senator Teasdale, and with unanimous consent,
527, S., was recalled from the committee on Education and
Welfare.

Senator Teasdale, with unanimous consent, withdrew the bill.

RESOLUTIONS INTRODUCED.

No. 26, S.,
Resolved by the senate, That the report of the actuaries of the
insurance department in regard to the teachers' insurance
retirement fund law, and such part of the report of the secre-
tary of the Teachers' Insurance and Retirement Fund Board as
the committee on Education and Public Welfare shall direct, both
of which reports have recently been submitted to the senate, be
printed as an appendix to the senate journal, and that five hun-
dred additional copies of such appendix be printed.

Senator Teasdale.
Senator Bosshard moved that the resolution be indefinitely post-
poned. A motion was called for, and the resolution was indefinitely post-

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers: Nos. 594, 595, 596, 597, 598, 599, 600.

H. C. MARTIN
Chair

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

- No. **564, S.** (Revision No. 594). By Senator Scott. To committee on Corporations.
- No. **565, S.** (Revision No. 595). By Senator Scott. To committee on State Affairs.
- No. **566, S.** (Revision No. 596). By Committee on State Affairs. To committee on State Affairs.
- No. **567, S.** (Revision No. 597). By Committee on Corporations. To committee on Corporations.
- No. **568, S.** (Revision No. 598). By Senator Bosshard. To committee on Finance.
- No. **569, S.** (Revision No. 599). By Committee on Judiciary with passage recommended. To calendar.
- No. **570, S.** (Revision No. 600). By Committee on Judiciary. To committee on Judiciary.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **183, S.**,

Rejection of substitute amendment No. 1, S., and the adoption of substitute amendment No. 2, S., and passage.

No. **469, S.**, and

No. **482, S.**,

Indefinite postponement.

No. **552, S.**,

Passage.

No. **279, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

No. **661, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **869, A.**,

Concurrence, Senators Bosshard and Skogmo dissenting.

No. **1075, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

OTTO BOSSHARD,
Chair

the committee on Education and Public Welfare report and
recommend:

S. 107, A.,

on-concurrence, Senators Albers and Perry dissenting.

S. 1088, A.,

on-concurrence.

S. 1014, A., and

S. 1147, A.,

on-concurrence.

HOWARD TEASDALE,
Chairman.

on motion of Senator Bosshard, and with unanimous consent,
the senate took up the calendar for Friday, June 8, 1913.

FRIDAY'S CALENDAR.

on motion of Senator H. C. Martin,
the nominations by the governor were laid over until Tuesday,
June 10, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

S. 389, S.

amendment No. 1, S., to substitute amendment No. 1, S.,
adopted.

on motion of Senator Biehler,

laid over until Tuesday, June 10, 1913.

the president called the president pro tempore to the chair.

S. 394, S.

on motion of Senator Huber,
re-referred to the committee on Judiciary.

read second time.

S. 490, S.

amendment No. 1, S., adopted.

ordered engrossed and read a third time.

S. 513, S.

amendment No. 1, S., adopted.

ordered engrossed and read a third time.

S. 534, S.,

S. 545, S.,

S. 546, S., and

S. 561, S.,

were each severally ordered engrossed and read a third time.

No. **550, S.**

Amendment No. 1, S., adopted,
Ordered engrossed and read a third time.

No. **535, S.**, and

No. **547, S.**,

Were each severally indefinitely postponed.

**BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.**

Read a second time.

No. **106, A.**,

No. **407, A.**,

No. **736, A.**,

No. **1116, A.**,

No. **1160, A.**,

No. **1172, A.**,

No. **1173, A.**, and

No. **1174, A.**,

Were each severally ordered to a third reading.

No. **588, A.**

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. **614, A.**

Substitute amendment No. 1, S., adopted.

Ordered to a third reading.

Jt. Res. No. 38, A.

Upon motion of Senator Perry,

Laid over until Tuesday, June 10, 1913.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **318, S.**, and

No. **62, A.**

Upon motion of Senator Tomkins,

Laid over until Tuesday, June 10, 1913.

No. **383, A.**,

Read a third time, and concurred in.

MOTIONS.

Upon motion of Senator Bosshard,

All rules interfering, were suspended with unanimous consent,
and

No. **407, S.**,

Was placed upon its concurrence at this time.

No. **407, S.**

Was read a third time and concurred in.

Senator Bosshard, with unanimous consent, moved that the vote by which No. **1125, A.**, was refused concurrence, be reconsidered.

Senator Bosshard, with unanimous consent, moved that senate request assembly to return No. **1125, A.**,

Which motion prevailed.

Upon motion of Senator Bosshard, and with unanimous consent,

No. **1125, A.**,

Was ordered placed upon the calendar for Wednesday, June 11, 1913.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Monk until Tuesday, June 10, 1913.

Upon request of Senator Zophy,

Leave of absence was granted to Senator Snover until Wednesday, June 11, 1913.

ADJOURNMENT.

Upon motion of Senator Ackley,

The senate adjourned.

BILLS FOR REVISION.

The committee on Corporations filed one bill for revision, the committee on Education and Public Welfare filed one bill for revision, and Senator Bichler filed one bill for revision at the clerk's desk.

FRIDAY, JUNE 6, 1913
10:00 O'CLOCK

The senate met.

The president in the chair.

Prayer was offered by the Rev. Howard R. Gold.

Upon motion of Senator Husting,

The calling of the roll was dispensed with.

LEAVE OF ABSENCE.

Upon request of Senator Husting,
Leave of absence was granted to Senator Kellogg until
needay, June 11, 1913.

The journal of yesterday was approved.

COMMUNICATION TO THE SENATE.

JUNE 6, 1913

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with the provisions of Joint Resolution No. 5, S., I am transmitting herewith list of those registered as legislative counsel or agents since last report.

Very truly yours,

J. S. DONALD,
Secretary of State

Name, Residence and Occupation of Counsel; Name and Address of Employer, and Subject of Legislation.

D. J. Boyle, Appleton, Wis., representing Thos. Orhson, Appleton, Wis., upon Water Power Reservoir.

C. B. Ballard, Appleton, Wis., representing People and Agents of the Fox River Valley. No retainer, upon Water Power.

W. F. Wolfe, La Crosse, Wis., representing himself upon No. 626, A.

John M. Olin, Madison, Wis., representing Association of Life
Presidents, New York City, No. 1, Madison Ave., upon All
Insurance Legislation.

COMMITTEE REPORTS.

The committee on State Affairs report and recommend:

No. **536, S.**, and
Jt. Res. No 50, S.,
indefinite postponement.
No. **137, A.**,
No. **372, A.**,
No. **397, A.**,
No. **572, A.**,
No. **794, A.**,
No. **821, A.**,
No. **870, A.**,
No. **1047, A.**,
No. **1104, A.**,
No. **1126, A.**, and
No. **1148, A.**,

Concurrence.

No. **1113, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1120, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **1060, A.**,

Non-concurrence.

M. F. WHITE,
Chairman.

The committee on Judiciary report and recommend:

No. **498, A.**,

No. **626, A.**, (Senator Linley dissenting) and

Jt. Res. No. 29, A.,

Non-concurrence.

A. PEARCE TOMKINS,
Acting Chairman.

The committee on Education and Public Welfare report and
commend:

No. **131, A.**,

Adoption of amendment No. 1, S., and concurrence, Senator
erry dissenting.

No. **397, S.**,

Adoption of substitute amendment No. 1, S., and passage.

HOWARD TEASDALE,
Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has asked concurrence in,

Jt. Res. No. 87, A.

Has concurred in

No. **21, S.**,

No. **58, S.**, and

No. **507, S.**

Has amended, and concurred in, as amended,
No. **514, S.**

Has refused to order to a third reading
No. **496, S.**

Has agreed to a committee of conference, and appointed Messrs. Urquhart, Dorn and Gorecki, for
No. **52, S.**

Has amended, and concurred in, as amended,
No. **103, S.**

Has adopted, and asks concurrence in,
Jt. Res. No. 88, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 88, A., concurred in.

Jt. Res. No. 87, A.

Upon motion of Senator H. C. Martin,
Laid over until Thursday, June 12, 1913.

ADJOURNMENT.

Upon motion of Senator H. C. Martin,
The senate adjourned until Monday, June 9, 1913,
6 o'clock p. m.

CLERK'S REPORT.

The chief clerk records:

No. **490, S.**,

No. **513, S.**, and

No. **550, S.**,

Correctly engrossed.

MONDAY, JUNE 9, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. J. W. Davies of the Presbyterian Church of Cottage Grove, Wis.

The roll was called and the following senators answered to their names:

Senators Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Martin H. C., Monk, Perry, Randolph, Skogmo, Teasdale, Tomkins, White, and Zophy—18.

Absent—Senators Ackley, Albers, Bichler, Burke, Hoyt, Linley, Martin A. E., Richards, Snover, True, and Weigle—11.

Absent with leave—Senators Bishop, Stevens, and Weissleder—3.

The journal of Friday, June 6, 1913, was approved.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **637, A.**

Upon motion of Senator Glenn,

Laid over until Wednesday, June 11, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly refuses to return to the senate

No. **1125, A.**

Has concurred in

No. **274, S.,**

No. **449, S.,**

No. **522, S.**

Has amended, and concurred in, as amended,

No. **53, S.**,

No. **78, S.**

Has non-concurred in

No. **171, S.**,

No. **265, S.**,

No. **331, S.**,

No. **353, S.**

Has agreed to a committee on conference, and has appointed as conferees, Messrs. Chinnock, Judson Hall, and Zinn, for

No. **409, S.**

Has concurred in amendment No. 1, S., and amendment No. 2, S., to

No. **260, A.**

Has concurred in amendment No. 1, S., and amendment No. 2, S., to

No. **332, A.**

Has concurred in amendment No. 1, S., to

No. **568, A.**

Has recalled from the governor, amended, and passed, as amended,

No. **354, A.**

Has passed, and asks concurrence in,

No. **695, A.**,

No. **848, A.**, and

No. **1134, A.**

Has concurred in

No. **268, S.**,

No. **450, S.**,

No. **461, S.**,

No. **478, S.**,

No. **498, S.**,

No. **489, S.**,

No. **494, S.**,

No. **500, S.**,

No. **510, S.**,

No. **511, S.**, and

No. **526, S.**

And has adopted, and asks concurrence in,

Jt. Res. No. 89, A.

Has concurred in substitute amendment amendment No. 1, S., to

No. **641, A.**

Has non-concurred in substitute amendment No. 1, S., to

No. **356, A.**

passed, and asks concurrence in,

170, A.,
194, A.,
245, A.,
489, A.,
507, A.,
702, A.,
754, A.,
926, A., and
1090, A.

ASSEMBLY MESSAGE CONSIDERED.

d first time and referred.

695, A. To special committee on Conservation.

848, A. To committee on Judiciary.

1134, A. To committee on Corporations.

Res. No. 89, A., concurred in.

170, A. To calendar.

194, A. To committee on Education and Public Welfare.

245, A. To committee on Education and Public Welfare.

489, A. To committee on Corporations.

507, A. To committee on State Affairs.

702, A. To committee on State Affairs.

754, A. To committee on Education and Public Welfare.

926, A. To committee on Judiciary.

1090, A. To committee on Education and Public Welfare.

ILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

183, S.,

ill to amend section 1811 of the statutes, relating to intere with fences, to animals on track, and to trespass upon d rights-of-way, station grounds and equipment.

ator Tomkins, with unanimous consent, withdrew amend- No. 1, S., to substitute amendment No. 1, S.

stitute amendment No. 1, S., was refused adoption.

stitute amendment No. 2, S.

question was, Shall substitute amendment No. 2, S., be d?

ayes and noes were demanded, and the vote was: Ayes. s, 10; absent or not voting, 14, as follows:

Ayes—Senators Bosshard, Glenn, Huber, Kellogg, H. C., Scott, Skogmo, and Zophy—8.

Noes—Senators Culbertson, Cunningham, Husting, Monk, Perry, Randolph, Teasdale, Tomkins, and White—14.

Absent or not voting—Senators Ackley, Albers, Bishop, Burke, Hoyt, Linley, Martin A. E., Richards, Stevens, True, Weigle, and Weissleder—14.

And so the senate refused to adopt the amendment.

Upon motion of Senator Bosshard,

The bill was indefinitely postponed.

No. **552, S.**, and

No. **569, S.**,

Were each severally ordered engrossed and read a third time.

No. **142, S.**

Senator Teasdale offered amendment No. 2, S.

Upon motion of Senator Scott,

Laid over until Wednesday, June 11, 1913.

No. **469, S.**, and

No. **482, S.**,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO READING.

The chief clerk, under rule 32, made the following corrections to bill No. **279, A.**:

Strike out, in line 10, of section 2533a, of the printed bill, the word "sections", and insert in its place the word "section"; and strike out in the same line the word "and 2530".

Insert in line 25 of said section, after the word "three", the word "three"; also underline the word "five" in line 26.

Read a second time.

No. **279, A.**,

A bill to amend sections 411—3, 604g, 604h, subsection 681, section 686, subdivision (3) of section 709, subdivisions (2) and (4) of section 715, subsections 5 and 6 of section 1022—57, subsections 1 and 4 of section 1022—58, subsections 1 and 4 of section 1317m—7, sections 2533a, 4060 and 4061, and to create subdivision (3a) of section 709, of the statutes, relating to the issue and payment of county orders.

Substitute amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: ayes, 9; absent or not voting, 14, as follows:

es—Senators Bosshard, Glenn, Husting, Kellogg, Kileen,
in H. C., Skogmo, Tomkins, and Zophy—9.

es—Senators Culbertson, Cunningham, Huber, Monk, Perry,
olph, Scott, Teasdale, and White—9.

sent or not voting—Senators Ackley, Albers, Bichler,
p, Burke, Hoyt, Linley, Martin A. E., Richards, Snover,
ns, True, Weigle, and Weissleder—14.

and so the senate refused to adopt the amendment.

Senator White moved that the bill be non-concurred in.

Senator Tomkins moved that the bill be laid over until Tuesday,
17, 1913.

A division was called for and the senate refused to lay the bill

Senator Tomkins then moved to lay the bill over until Thurs-
June 12, 1912.

The chair held the motion out of order.

On motion of Senator White,

The bill was non-concurred in.

Senator White moved that the vote by which the bill was non-
concurrred in, be reconsidered,

which motion was lost.

The chief clerk under rule 32, corrected amendment No.

to bill No. **661, A.**, by adding thereto the following:

Amend the title by striking out the words, "all cities of the
however incorporated," and insert in lieu thereof the words,
cities of the first class."

A. 490, A.

Senator Glenn offered amendment No. 1, S., to amendment No.

which amendment was refused adoption.

On motion of Senator Glenn, and with unanimous consent,
the bill was laid over until Tuesday, June 10, 1913.

A. 661, A.

On motion of Senator Zophy,

laid over until Wednesday, June 11, 1913.

A. 869, A.

On motion of Senator Teasdale, and with unanimous consent,
laid over until Tuesday, June 10, 1913.

A. 1014, A., and

A. 1147, A.,

were each severally ordered to a third reading.

A. 1075, A.

Constitute amendment No. 1, S., adopted.

Ordered to a third reading.

A. 107, A.

On motion of Senator Perry,

laid over until Wednesday, June 11, 1913.

No. 219, A.

Upon motion of Senator Zophy,

Laid over until Wednesday, June 11, 1913.

No. 1088, A.

Upon motion of Senator Teasdale,

Re-referred to committee on Education and Public We

**BILLS AND RESOLUTIONS READY FOR THE
READING.**

No. 485, S.

Upon motion of Senator Zophy,

Laid over until Wednesday, June 11, 1913.

No. 534, S.,

No. 545, S., and

No. 546, S.,

Were each severally read a third time, and passed.

No. 106, A.,

Was read a third time.

The question was, Shall the bill be concurred in?

Division was called for, and the bill was concurred in.

No. 227, A.,**No. 286, A.,**

No. 614, A., and

No. 657, A.,

Were each severally read a third time, and concurred in.

No. 825, A.

Upon motion of Senator White,

Was non-concurred in.

Senator White moved that the vote by which the bill was non-concurred in, be reconsidered.

Which motion was lost.

No. 1012, A.,**No. 1031, A.,****No. 1107, A.,****No. 1116, A.,****No. 1118, A.,****No. 1130, A.,****No. 1160, A.,****No. 1164, A.,**

No. 1172, A., and

No. 1180, A.,

Were each severally read a third time and concurred in.

MOTIONS.

Senator Bosshard moved that the assembly be requested to re-
solutions of the senate No. 546, A.,
which motion prevailed.

The committee on Legislative Procedure report and recommend
introduction bills bearing the following revision numbers:
S. 608, 609.

H. C. MARTIN,
Chairman.

The bills were read by title, and the report of the committee
was the order of the senate.

BILLS INTRODUCED.

and first time and referred.

571, S. (Revision No. 608). By Committee on State
Affairs. To committee on State Affairs.

72, S. (Revision No. 609). By Committee on State
Affairs. To committee on State Affairs.

LEAVE OF ABSENCE.

on request of Senator Kellogg,
leave of absence was granted to Senator Ackley until Monday,
S. 1913.

ADJOURNMENT.

on motion of Senator Kellogg,
senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **82, S.**,

No. **94, S.**,

No. **155, S.**,

No. **343, S.**,

No. **388, S.**,

No. **442, S.**,

No. **471, S.**,

Jt. Res. No. 43, S., and

Jt. Res. No. 47, S.,

Correctly enrolled Saturday, June 7, 1913, at 12:00 o'clock m.,
and

No. **145, S.**,

No. **425, S.**,

No. **468, S.**,

No. **473, S.**,

No. **477, S.**,

No. **481, S.**,

No. **491, S.**, and

No. **498, S.**,

Correctly enrolled Monday, June 9, 1913, at 8:20 o'clock p. m.

BILLS FOR REVISION.

The committee on State Affairs filed two bills for revision and the committee on Judiciary filed one bill for revision at the clerk's desk.

TUESDAY, JUNE 10, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

The prayer was offered by the Rev. J. W. Davies.

The roll was called, and the following senators answered to names:

Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin, Martin H. C., Monk, Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and Zophy—27.

Present with leave—Senators Ackley, Bishop, Burke, Hoyt, and Le—5.

The journal of yesterday was approved.

RESOLUTIONS INTRODUCED.

Res. No. 58, S.,

Resolved by the senate, the assembly concurring, That there be printed one thousand extra copies each of bills No. **571, S.**, and **572, S.**

Senator White.

Adopted.

 PETITIONS.

No. 638, S. By Senator Cunningham. To committee on State Affairs.

No. 639, S. By Senator Culbertson. To committee on Corporations.

No. 640, S. By Senator Culbertson. To committee on Corporations.

No. 641, S. By Senator Snover. To special committee on Insurance.

Pet. No. 642, S. By Senator Husting. To special committee on Conservation.

Pet. No. 643, S. By Senator Bichler. To committee on Finance.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

I return herewith, without approval, bill No. **228, S.**, entitled, "An act to amend section 697c of the statutes, relating to the employment of persons committed to jails and workhouses at hard labor and the payment of their earnings to those dependent upon them".

The purpose of this bill is good. County jail prisoners should be put at work and their earnings should go in part at least to support those dependent upon them. Thus the objects sought to be attained by this enactment are praiseworthy.

But it is so defective in form that I feel justified in returning it to you with the suggestion that its shortcomings be corrected and the bill improved in several important respects.

Although it applies only to the inmates of jails, it is offered as an amendment to section 697c, which applies to workhouses; but if enacted in its present form it will not apply to prisoners in any county where there is a workhouse. It is no doubt desirable to provide open air employment for the inmates of jails, and for precisely the same reasons it is equally desirable to find like employment for those confined in county workhouses. Yet, in the framing of the present measure this consideration has been entirely overlooked. Moreover, under section 697d, the maximum period of compulsory service is ten hours per day, while under this bill it is twelve hours. It is provided by the same section that the proceeds of the labor of the inmates of a workhouse shall go to the county; while under this bill the earnings of inmates of jails will go to their families. It seems to me the rule should be made uniform.

This bill contains no provision for "good time" allowance. This omission is a very serious one. Men are more easily led than driven. The laws of other states providing for outdoor labor for prison convicts contain liberal provision whereby through diligence and good faith the term of sentence may be considerably reduced. It seems to me very doubtful wisdom to omit such an inducement to reformation from the present bill.

It is provided in this measure that whenever an inmate of a jail works for the county there shall be paid to his family \$1.25 per day for his services. At present the state sells the labor of its convicts at Waupun for 65 cents per day, in which sum is included the board of the prisoners, the rent of the prison buildings, supplied as they are with heat, light and power. If the long term prisoners at Waupun thus earn less than 50 cents per day net, it

not seem reasonable to suppose that the short-term prisoners in jails are capable of earning \$1.25 over and above cost of their maintenance. It has been said that this additional advance may be justified on the basis of charity. But this is not charity statute; and if there is to be a donation from the public treasury on such a basis, it should go equally to all persons who receive public aid and not merely to the families of those who have been convicted of crime.

The present bill perpetuates and extends the convict contract system. In doing so it confers authority upon the sheriff which may easily be abused. He is permitted to sell the labor of jail prisoners to whomsoever he pleases, retaining constructive custody of them and is entitled to ten cents a mile in traveling out to look after them. It requires no unusual fertility of imagination to foresee the evils that may thus creep into the administration of the law. It is not difficult to provide in a similar way for supervision by the court over the performance of the new duties, should they be imposed upon the sheriff.

Should any jail prisoner attempt to escape from distasteful labor thus imposed upon him, he becomes by the terms of this act a felon and as such may be imprisoned in the state prison for a period of two years. This penalty seems to be unnecessarily harsh.

There are other defects in this measure which I shall not now attempt to point out. I have called them to the attention of the members of the bill and suggested the advisability of having the measure withdrawn for the purpose of amendment.

The object sought to be attained by this enactment is so good that there should be no question about its passage through the legislature; and this result I trust will not be defeated by the amendments here suggested.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

June 10, 1913.

CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR.

The question was, Shall the nomination by the governor of A. Kuolt of Kenosha, to be commissioner of banking for the term ending May 15, 1918, be confirmed.

The ayes and noes were required, and the vote was: Ayes, 23; Noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Culbertson, Cunningham, Henn, Huber, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Jenkins, True, Weissleder, White, and Zophy—23.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Hoyt, Husting, Kellogg, Richards, and Weigle—9.

And so the nomination was confirmed.

The question was, Shall the nomination by the governor of Miss Katherine R. Williams of Milwaukee, to be a member of the state board of control for the term ending the first Monday in April, 1917, be confirmed?

The ayes and noes were required, and the vote was: **Ayes**, 26; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, **White**, and Zophy—26.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, **Hoyt**, Kellogg, and Weigle—6.

And so the nomination was confirmed.

The question was, Shall the nomination by the governor of John P. Lewis, of Friendship, to be a member of the state board of control for the term ending the first Monday in April, 1915, be confirmed?

The ayes and noes were required, and the vote was: **Ayes**, 26; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, **White**, and Zophy—26.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Kellogg, and Weigle—6.

And so the nomination was confirmed.

The question was, Shall the nomination, by the governor, of William H. Graebner of Milwaukee, to be a member of the state board of control for the term ending the first Monday in April, 1918, be confirmed?

The ayes and noes were required, and the vote was: **Ayes**, 25; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, **White**, and Zophy—25.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Kellogg, Randolph, and Weigle—7.

And so the nomination was confirmed.

The question was, Shall the nomination by the governor of J. Q. Mery, of Albion, to be Dairy and Food Commissioner for the term ending the first Monday in February, 1915, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 25; noes, 1; absent or not voting, 6, as follows:

Ayes—Senators Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Hustling, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—25.

Noes—Senator Albers—1.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Ellogg, and Weigle—6.

And so the nomination was confirmed.

The question was, Shall the nomination by the governor of H. Eliason, of Omro, to be state veterinarian, for the term ending the first day of June, 1915, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 26; noes, none; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Huber, Hustling, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—26.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Ellogg, and Weigle—6.

And so the nomination was confirmed.

Senator Tomkins moved that the nomination by the governor of Louis F. Meyer of Milwaukee, to be supervisor of inspectors of kerosene oils for the term ending April 1, 1915, be laid over until Thursday, June 19, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 10; absent or not voting, 6, as follows:

Ayes—Senators Bosshard, Culbertson, Glenn, Huber, Hustling, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Tomkins, True, White, and Zophy—16.

Noes—Senators Albers, Bichler, Cunningham, Kileen, Linley, Martin A. E., Richards, Snover, Teasdale, and Weissleder—10.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Ellogg, and Weigle—6.

And so the nomination was laid over.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

S. PRESIDENT:

I am directed to inform you that the assembly has ordered referred, as per request,

No. 546, A.

ASSEMBLY MESSAGE CONSIDERED.

No. **546, A.**,

Upon motion of Senator Skogmo, and with unanimous consent,
The vote by which the bill was concurred in was reconsidered.

Senator Skogmo, with unanimous consent offered amendment

No. 2, S.,

Which amendment was adopted.

No. **546, A.**, as amended,

Was concurred in.

Upon motion of Senator Skogmo,

All rules interfering were suspended with unanimous consent,
and

The bill was ordered messaged to the assembly at once.

No. **103, S.**

Senator Weissleder moved that the bill be re-referred to the
committee on Finance.

Upon motion of Senator Kileen, and with unanimous consent,

The bill was laid over until Wednesday, June 11, 1913.

No. **514, S.**

Senator Scott offered amendment No. 1, S., to amendment No.
1, A.

Senator Husting rose to a point of order that the amendment by
Senator Scott was not germane to amendment No. 1, A.

The chair held that the point of order was not well taken.

The question then was, Shall amendment No. 1, S., to amend-
ment No. 1, A., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 22;
noes, 5; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bosshard, Cunningham, Glenn, Huber,
Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph,
Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins,
True, Weissleder, White, and Zophy—22.

Noes—Senators Bichler, Culbertson, Husting, Kellogg, and
Kileen—5.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt,
and Weigle—5.

And so the amendment was adopted.

The question then was, Shall amendment No. 1, A., as amended,
be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 27;
noes, none; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cun-
ningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley,
Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards,
Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True,
Weissleder, White, and Zophy—27.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt,
and Weigle—5.

And so the amendment was adopted.

RESOLUTIONS CONSIDERED.

Jt. Res. No. 50, S.

Upon motion of Senator Bosshard,

Laid over until Thursday, June 12, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

Read second time.

No. **389, S.**

Substitute amendment No. 1, S., as amended, adopted.

Ordered engrossed and read a third time.

No. **397, S.,**

Upon motion of Senator Richards,

Placed at the foot of calendar.

No. **542, S.,**

A bill to create section 4560a—42m of the statutes and to amend
division (1) of section 4560a—42 of the statutes, relating to
fishing in Lake Superior.

Amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 19;

noes, 8; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Culbertson, Cun-
ningham, Huber, Husting, Linley, Martin H. C., Monk, Perry,
Randolph, Scott, Snover, Tomkins, True, Weissleder, White, and
Weigle—19.

Noes—Senators Glenn, Kellogg, Kileen, Martin A. E., Richards,
Snyder, Stevens, and Teasdale—8.

Absent or not voting—Senators Ackley, Bishop, Burke, Hoyt,
and Weigle—5.

And so the amendment was adopted.

Senator Linley offered amendment No. 2, S.

Which amendment was adopted.

Upon motion of Senator Glenn,

The bill was laid over until Thursday, June 12, 1913.

No. **536, S.,**

Was indefinitely postponed.

**BILLS AND RESOLUTIONS TO BE ORDERED
THIRD READING.**

Read second time.

No. **131, A.**,

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. **137, A.**

Upon motion of Senator A. E. Martin,
Placed at the foot of calendar.

No. **372, A.**,

No. **397, A.**,

No. **794, A.**,

No. **821, A.**,

No. **870, A.**,

No. **1104, A.**,

No. **1126, A.**,

No. **1148, A.**, and

Jt. Res. No. 38, A.,

Were each severally ordered to a third reading

No. **490, A.**

Upon motion of Senator Randolph,
Placed at the foot of calendar.

No. **572, A.**

Upon motion of Senator Albers,
Placed at the foot of calendar.

No. **896, A.**

Amendment No. 1, S., adopted.

Amendment No. 2, S., adopted.

Refused a third reading.

No. **1047, A.**

Upon motion of Senator Bichler,
Placed at the foot of calendar.

No. **1113, A.**,

A bill to create section 1630m of the statutes, relating
to elpout and making an appropriation.

Amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was:
noes, none; absent or not voting, 9, as follows:

Ayes—Sentors Bichler, Culbertson, Cunningham, Hul-
ing, Kellogg, Kileen, Linley, Martin A. E., Martin H. C.
Perry, Randolph, Richards, Scott, Skogmo, Snover,
Teasdale, Tomkins, Weissleder, White and Zophy—23.

s—None.

ent or not voting—Senators Ackley, Albers, Bishop, Boss-Burke, Glenn, Hoyt, True, and Weigle—9.

l so the amendment was adopted.

president called Senator Teasdale to the chair.

question was, Shall the bill, as amended, be ordered to a reading?

ayes and noes were demanded, and the vote was: Ayes, 11; 12; absent or not voting, 9, as follows:

s—Senators Cunningham, Kellogg, Kileen, Linley, Martin, Perry, Richards, Stevens, Weissleder, White, and —11.

s—Senators Bichler, Culbertson, Huber, Husting, Martin, Monk, Randolph, Scott, Skogmo, Snover, Teasdale, and ins—12.

ent or not voting—Senators Ackley, Albers, Bishop, ard, Burke, Glenn, Hoyt, True, and Weigle—9.

l so the senate refused to order the bill to a third reading.

ator Randolph moved that the vote by which the senate re-to order the bill to a third reading be reconsidered.

ayes and noes were demanded, and the vote was: Ayes, 11; 16; absent or not voting, 5, as follows:

s—Senators Cunningham, Glenn, Kellogg, Kileen, Linley, n A. E., Perry, Richards, Stevens, Weissleder, and White

s—Senators Albers, Bichler, Bosshard, Culbertson, Huber, ng, Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, ale, Tomkins, True, and Zophy—16.

ent or not voting—Senators Ackley, Bishop, Burke, Hoyt, Weigle—5.

l so the senate refused to reconsider the vote.

1120, A.

endment No. 1, S., anopted.

ator Husting offered amendment No. 2, S.,

ich amendment was adopted.

ered to a third reading.

498, A., and

626, A.,

re severally non-concurred in.

1060, A.

on motion of Senator Husting.

referred to committee on State Affairs.

RECESS.

on motion of Senator White,

senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

Senator Skogmo filed one bill for revision at the clerk's desk.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **332, S.**,

Correctly enrolled at 2:25 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

MOTIONS.

No. **514, S.**

Upon motion of Senator Scott,

All rules interfering, were suspended, with unanimous consent, and the bill was ordered messaged to the assembly at once.

No. **572, A.**

Upon motion of Senator Albers,

Re-referred to committee on State Affairs.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Jt. Res. No. 29, A.,

Was non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **318, S.**

Upon motion of Senator Bosshard,

Laid over until Thursday, June 12, 1913.

No. **490, S.**,

A bill to provide for a joint committee to investigate the system of courts in Wisconsin and to recommend such changes as may be necessary to promote efficiency and economy in the administration of justice, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill pass?

the ayes and noes were required, and the vote was: Ayes, 22;
2; absent or not voting, 8, as follows:

yes—Senators Albers, Bichler, Bosshard, Cunningham, Hoyt,
er, Husting, Kellogg, Kileen, Linley, Perry, Randolph,
ards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins,
ssleder, White, and Zophy—22.

oes—Senators Culbertson and Monk—2.

esent or not voting—Senators Ackley, Bishop, Burke,
n, Martin A. E., Martin H. C., True, and Weigle—8.

nd so the bill was passed.

S. 513, S.,

bill to create section 165c of the statutes, authorizing the
superintendent of public instruction to appoint persons to as-
him in making investigations, revising the courses of study,
conducting county and city superintendent conventions and to
loy clerks and statisticians, and making an appropriation
efor,

as read a third time.

ne question was, Shall the bill pass?

ne ayes and noes were required, and the vote was: Ayes, 24;
none; absent or not voting, 8, as follows:

yes—Senators Ackley, Albers, Bichler, Bosshard, Culbertson,
ningham, Hoyt, Huber, Husting, Kellogg, Kileen, Linley,
k, Perry, Randolph, Richards, Scott, Snover, Stevens,
dale, Tomkins, Weissleder, White, and Zophy—24.

oes—None.

esent or not voting—Senators Bishop, Burke, Glenn, Martin
., Martin H. C., Skogmo, True, and Weigle—8.

nd so the bill was passed.

S. 543, S.,

bill to amend sections 258a and 261 of the statutes, relating
e rate of interest on municipal and school district loans,

as read a third time.

ne question was, Shall the bill pass?

ne ayes and noes were required, and the vote was: Ayes, 24;
none; absent or not voting, 8, as follows:

yes—Senators Ackley, Albers, Bichler, Bosshard, Culbertson,
ningham, Hoyt, Huber, Husting, Kellogg, Kileen, Linley,
k, Perry, Randolph, Richards, Scott, Snover, Stevens, Teas-
Tomkins, Weissleder, White, and Zophy—24.

oes—None.

esent or not voting—Senators Bishop, Burke, Glenn, Mar-
A. E., Martin H. C., Skogmo, True, and Weigle—8.

nd so the bill was passed.

S. 550, S.,

as read a third time, and passed.

No. 561, S.,

A bill to create section 3921—1 and subsection 172—24 of the statutes, relating to the geological history survey, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: noes, 1; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshardson, Cunningham, Hoyt, Huber, Husting, Kellogg, Linley, Martin A. E., Monk, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, Weissleder, W. Zophy—25.

Noes—Senator Perry—1.

Absent or not voting—Senators Bishop, Burke, Glenn, H. C., True, and Weigle—6.

And so the bill was passed.

Jt. Res. No. 56, S.,

A joint resolution to amend section 10 of article VI constitution, relating to internal improvements,

Was read a third time.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: 20; noes, 7; absent or not voting, 5, as follows:

Ayes—Senators Bichler, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Tomkins, W. Zophy, White, and Zophy—20.

Noes—Senators Ackley, Albers, Kellogg, Perry, Stevens, and Teasdale—7.

Absent or not voting—Senators Bishop, Burke, Glenn, and Weigle—5.

And so the resolution was adopted.

No. 119, A.,

A bill to appropriate the sums of money herein named for Wisconsin Industrial school for girls,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, Weissleder, W. Zophy—25.

Noes—None.

Absent or not voting—Senators Bishop, Bosshardson, Glenn, Linley, True, and Weigle—7.

And so the bill was concurred in.

184, A.,

all authorizing the state board of health to act jointly with the United States geological survey in determining the sanitary and hygienic conditions and nature of the natural water supplies of the state, and making an appropriation,
read a third time.

question was, Shall the bill be concurred in?

Ayes and noes were required, and the vote was: Ayes, 26; Noes, 1; absent or not voting, 6, as follows:

—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Cunningham, Huber, Hustling, Kellogg, Kileen, Linley, Martin, Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weissleder, White, Zephy—26.

—None.

ent or not voting—Senators Bishop, Burke, Glenn, Hoyt, and Weigle—6.

so the bill was concurred in.

588, A.,

all to amend sections 2394—1 to 2394—31 inclusive, of the act relating to the liability of employers for injuries or damages sustained by their employes, providing for compensation for accidental injury or death of employes, and making an appropriation, and providing a penalty,
read a third time.

question was, Shall the bill be concurred in?

Ayes and noes were required, and the vote was: Ayes, 14; Noes, 1; absent or not voting, 8, as follows:

—Senators Bosshard, Cunningham, Huber, Hustling, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, and Zephy—14.

—Senators Albers, Culbertson, Kellogg, Martin A. E., Richards, Stevens, Teasdale, Weissleder, and White—10.

ent or not voting—Senators Ackley, Bichler, Bishop, Burke, Hoyt, True, and Weigle—8.

so the bill was concurred in.

650, A.,

all to create subdivision (4a) of section 2394—52 of the statute relating to the inspection of boilers and fixing fees therefor,
read a third time.

question was, Shall the bill be concurred in?

Ayes and noes were required, and the vote was: Ayes, 14; Noes, 1; absent or not voting, 7, as follows:

—Senators Bosshard, Huber, Hustling, Kileen, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, White, and Zephy—14.

—Senators Albers, Bichler, Culbertson, Cunningham, Martin A. E., Perry, Richards, Snover, Stevens, and Weissleder—11.

Absent or not voting—Senators Ackley, Bishop, Hoyt, True, and Weigle—7.

And so the bill was concurred in.

No. 853, A.,

A bill to create section 381g of the statutes, relating to the appointment of a board of visitors for the state university.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was taken. Ayes, 15; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Richards, Snover, Stevens, Teasdale, Tomkins, Weissleder, Zophy—25.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Hoyt, True, and Weigle—7.

And so the bill was concurred in.

No. 1021, A.,

A bill to appropriate a sum of money therein named for the Winnebago county,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was taken. Ayes, 15; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, White, and Zophy—25.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Glenn, Hoyt, True, and Weigle—7.

And so the bill was concurred in.

No. 1163, A.,

A bill directing the commissioners of public lands to convey title to certain lands in Winnebago county to Richard

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was taken. Ayes, 15; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Richards, Snover, Stevens, Teasdale, Tomkins, Weissleder, Zophy—25.

Noes—None.

ent or not voting—Senators Ackley, Bishop, Burke, Glenn, True, and Weigle—7.

so the bill was concurred in.

1173, A.,

ll to create sections 1088a to 1088i inclusive of the statutes, g to the collection of taxes in cities of the first class, read a third time.

question was, Shall the bill be concurred in?

ayes and noes were required, and the vote was: Ayes, 25;

one; absent or not voting, 7, as follows:

—Senators Albers, Bichler, Bosshard, Culbertson, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, Weissleder, White, and Zephy—25.

—None.

ent or not voting—Senators Ackley, Bishop, Burke, Glenn, True, and Weigle—7.

so the bill was concurred in.

1174, A.,

ll to create sections 926—176 to 926—178 of the statutes, g to the levying of taxes in cities of the first class.

read a third time.

question was, Shall the bill be concurred in?

ayes and noes were required, and the vote was: Ayes, 25;

one; absent or not voting, 7, as follows:

—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Skogmo, Snover, Stevens, Tomkins, Weissleder, White, Zephy—25.

—None.

ent or not voting—Senators Bishop, Burke, Glenn, Teasdale, True, and Weigle—7.

so the bill was concurred in.

1187, A.,

ll authorizing the commissioners of public lands to sell cer- and in Green Lake county belonging to the state of Wisconsin.

read a third time.

question then was, Shall the bill be concurred in?

ayes and noes were required, and the vote was: Ayes, 27;

one; absent or not voting, 5, as follows:

—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weissleder, White and Zephy—27.

—None.

Absent or not voting—Senators Bishop, Burke, and Weigle—5.

And so the bill was concurred in.

PLACED AT FOOT OF CALENDAR

No. **397, S.**

Upon motion of Senator Richards, and with unanimity,
Laid over until Wednesday, June 11, 1913.

No. **137, A.**

Upon motion of Senator Zophy,
Laid over until Thursday, June 12, 1913.

No. **490, A.**

Upon motion of Senator Glenn, and with unanimity,
Laid over until Wednesday, June 11, 1913.

No. **869, A.**

Upon motion of Senator Bosshard, and with unanimity,
sent,

Laid over until Wednesday, June 11, 1913.

No. **1047, A.**

Senator Bichler offered substitute amendment No. 1.
Laid over under the rules.

MOTIONS.

No. **896, A.,**

A bill to amend section 20.33 of the statutes, relating to printing and all printing not otherwise classified.

Senator Teasdale moved that the vote by which the bill was passed be refused a third reading, be reconsidered.

The ayes and noes were demanded, and the vote was—ayes, 7; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Glenn, Hoyt, Huber, Kellogg, Linley, Martin A. E., Monk, Richards, Scott, Skogmo, Snover, Stevens, Weissleder, White, and Zophy—21.

Noes—Senators Albers, Bichler, Husting, Kileen, Tompkins, and Tompkins—7.

Absent or not voting—Senators Bishop, Burke, and Weigle—4.

And so the vote was reconsidered.

Upon motion of Senator H. C. Martin,
Re-referred to committee on Judiciary.

Senator A. E. Martin moved that the vote by which the bill was passed be reconsidered, be reconsidered, motion lay over until Wednesday, June 11, 1913,

which motion prevailed.
on motion of Senator Husting,
the vote by which No. 550, S., was passed, was reconsidered.
on motion of Senator Husting,
the bill was re-referred to committee on Judiciary.

the committee on Legislative Procedure report and recommend
introduction bills bearing the following revision numbers:
S. 601, 603, 604, 605, 606, 610.

H. C. MARTIN,
Chairman.

the bills were read by title, and the report of the committee
was the order of the senate.

BILLS INTRODUCED.

and first time and referred.

573, S. (Revision No. 601). By Committee on Corporations. To committee on Judiciary.

574, S. (Revision No. 603). By Committee on Education and Public Welfare. To committee on Education and Public Welfare.

575, S. (Revision No. 604). By Jt. Committee on Finance, with passage recommended. To calendar.

576, S. (Revision No. 605). By Jt. Committee on Finance, with passage recommended. To calendar.

577, S. (Revision No. 606). By Jt. Committee on Finance, with passage recommended. To calendar.

578, S. (Revision No. 610). By Senator Skogmo. To committee on Finance.

PETITIONS.

No. 644, S. By Senator Kellogg. To committee on Finance.

No. 645, S. By Senator Kellogg. To committee on Finance.

No. 646, S. By Senator Kellogg. To committee on Finance.

COMMITTEE REPORT.

The special committee on Insurance report and recommend
 No. **504, S.**,
 No. **506, S.**, and
 No. **541, S.**,
 Passage.

G. E. SCOTT
 C

The committee on Senate Contingent Fund report and
 recommend for adoption, the senate resolution submitted herewith.
 G. E. SCOTT
 C

RESOLUTIONS INTRODUCED.

Res. No. 27, S.,

Resolved by the senate, That the following bills be
 the senate contingent fund under section 127—1 of the
 Wells-Fargo Express company, for express charges,
 The American Express company, for express charges,
 M. L. Marty, for cartage charges on senate mailing,
 Remington Typewriter company, for rent of typewriter,
 Western Union Telegraph company, for official telegraph,
 Wisconsin Telephone company, for official toll.

\$11.50.

By Special Committee on Senate Contingent Fund.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was:
 noes, none; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard,
 Cunningham, Hoyt, Huber, Husting, Kellogg, Kile,
 Martin A. E., Martin H. C., Monk, Perry, Randolph,
 Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins,
 Leder, White, and Zophy—27.

Noes—None.

Absent or not voting—Senators Bishop, Burke, Gilman,
 and Weigle—5.

And so the resolution was adopted.

ADJOURNMENT.

Upon motion of Senator H. C. Martin,
 The senate adjourned.

WEDNESDAY, JUNE 11, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. W. Davies.

The roll was called and the following senators answered to their
names:

Senators Ackley, Albers, Biehler, Bosshard, Burke, Culbert-
son, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg,
Keen, Linley, Martin A. E., Martin H. C., Monk, Perry,
Reidolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale,
Thompson, True, Weigle, Weissleder, White, and Zophy—31.

Absent—None.

Absent with leave—Senator Bishop—1.

LEAVE OF ABSENCE.

Upon request,

leave of absence was granted to Senator Weissleder until Mon-
day, June 16, 1913.

The journal of yesterday was approved.

MOTIONS.

Upon motion of Senator Scott,

The assembly was requested to return to the senate No. 797,

The committee on Legislative Procedure report and recommend
introduction bills bearing the following revision numbers:

Nos. 602, 611, 612, 613, 614.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **579, S.** (Revision No. 602). By Senator B. To special committee on Highways.

No. **580, S.** (Revision No. 611). By Committee on Judiciary. To committee on Judiciary.

No. **581, S.** (Revision No. 612). By Committee on Corporations. To committee on Corporations.

No. **582, S.** (Revision No. 613). By Committee on State Affairs. To committee on State Affairs.

No. **583, S.** (Revision No. 614). By Committee on Judiciary. To committee on Judiciary.

PETITIONS.

Pet. No. 647, S. By Senator Culbertson. To special committee on Insurance.

Pet. No. 648, S. By Senator Culbertson. To special committee on Insurance.

Pet. No. 649, S. By Senator Culbertson. To special committee on Insurance.

Pet. No. 650, S. By Senator Culbertson. To special committee on Insurance.

Pet. No. 651, S. By Senator Culbertson. To committee on Finance.

Pet. No. 652, S. By Senator White. To committee on

Pet. No. 653, S. By Senator Glenn. To committee on Affairs.

EXECUTIVE COMMUNICATION.

To the Honorable; the Senate:

The following bills, originating in the senate, have been received, approved and deposited in the office of the state:

No. **346, S.,**

An act to amend subsections 2, 12, 14 and 15 of section 13 and to create subdivision (c) of subsection 13 of section 13 of the statutes, relating to the life fund, and authorizing payments therefrom.

Approved May 23.

- 47, S.,**
 act to amend section 496k of the statutes, relating to high
 ls.
 approved May 27.
- 263, S.,**
 act to confer additional jurisdiction on the county court of
 oe county.
 approved May 27.
- 3, S.,**
 act to repeal section 1529a of the statutes, to repeal chapter
 laws of 1893, to repeal chapter 393, laws of 1891, to create
 on 1529a, section 1529a—1, section 172—76, relating to the
 onsin veterans' home, and making an appropriation.
 approved May 27.
- 42, S.,**
 act to amend section 2339g of the statutes, relating to mar-
 licenses.
 approved May 27.
- 51, S.,**
 act to create sections 1816c, 1816d, and 1816e of the stat-
 limiting liability by common carriers.
 approved May 27.
- 96, S.,**
 act to create section 4560a—51 of the statutes, relating to
 d season for fish in certain waters in the state.
 approved May 27.
- 101, S.,**
 act to amend subsection 1 of section 1421—9, subsection 2 of
 on 1421—11, and subsection 2 of section 1421—14, and to re-
 subsection 4 of section 1421—14 and to create 172—120 of
 statutes, relating to county institutions for the care of persons
 ring from tuberculosis in the advanced or secondary stages
 making an appropriation therefor.
 approved May 27.
- 136, S.,**
 act to create section 1533b of the statutes, relating to the
 diction of courts in bastardy actions.
 approved May 27.
- 141, S.,**
 act to refund to the Minnesota Loan & Trust Co. a sum of
 ey paid to the state for a transient merchant's license, and
 ing an appropriation therefor.
 approved May 27.
- 149, S.,**
 act to amend section 1797—16 of the statutes, relating to
 als from decisions of the railroad commission.
 approved May 27.

No. 154, S.,

An act to create section 1347b—1 of the statutes, manufacture and sale of sleighs.

Approved May 27.

No. 157, S.,

An act to create section 4281n of the statutes, relating to actions against county, town, city or village.

Approved May 27.

No. 170, S.,

An act to create section 1274m of the statutes, authorizing to transfer to towns such rights and powers as acquired under chapter 298, laws of 1893.

Approved May 27.

No. 190, S.,

An act to amend section 4086 of the statutes, relating to taking of depositions.

Approved May 27.

No. 244, S.,

An act to create sections 1636—202 to 1636—211, in the statutes, relating to certified public accountants, appropriating revenues and providing penalties.

Approved May 27.

No. 249, S.,

An act to provide for the construction and equipment of administration building in the city of Milwaukee, and appropriation.

Approved May 27.

No. 257, S.,

An act to provide for the appointment of a committee to investigate and report on the subject of white slave traffic, and subjects, and making an appropriation therefor.

Approved May 27.

No. 322, S.,

An act to amend section 3344 of the statutes, relating to hotel keepers, inn-keepers, and livery stable keepers.

Approved May 27.

No. 398, S.,

An act to create section 169a of the statutes, relating to payment of expenses incurred in qualifying as a notary in state departments.

Approved May 27.

No. 416, S.,

An act to amend subsections 1 and 2 of section 11 of the statutes, relating to notice of September primary.

Approved May 27.

S. 423, S.,

act to repeal sections 1409a—1 and 1409a—2 of the statutes, to create sections 1409a—1 and 1409a—2, and subsection 1 of section 172—27 of the statutes, relating to the prevention of incest in infants, and making an appropriation.
Approved May 27.

S. 429, S.,

act to amend section 2313 of the statutes relating to conferences.
Approved May 27.

S. 180, S.,

act to amend the first and third subdivisions of section 68, and to amend section 71, of the statutes, relating to elections.
Approved May 27.

S. 298, S.,

act to create section 4733b and section 4733c of the statutes, to amend sections 4960c—1 and 4960—3 of the statutes, relating to the sentence, commitment and transfer of felons, and to provide for parole in certain cases.
Approved May 28.

S. 309, S.,

act to create sections 604—1, 604—2, 604—3 and 604—5, of the statutes, relating to the hospital for criminal insane.
Approved May 28.

S. 347, S.,

act to amend subsection 1 of section 1797t—5 of the statutes, relating to time of purchase of street railways by municipalities.
Approved May 29.

S. 352, S.,

act to provide for the holding of terms of the circuit court and for Sauk county.
Approved May 28.

S. 414, S.,

act to appropriate a sum of money therein named to S. P. Hartman.
Approved May 28.

S. 427, S.,

act to amend section 747a of the statutes, relating to fees of city officers.
Approved May 29.

S. 69, S.,

act to create section 172—54 of the statutes, and to appropriate a certain sum of money to the normal school fund income to build a normal school at Eau Claire.
Approved May 29.

No. 22, S.,

An act to create subsection 3 of section 1797m—64, to be subsection 3 of section 1797m—64 to be subsection 3 of section 1797m—66 of the statutes, relating to appeals of the decisions of the railroad commission.

Approved June 3.

No. 14, S.,

An act to amend section 3039 of the statutes, relating to appeals of error and appeals to the supreme court.

Approved June 3.

No. 124, S.,

An act to amend section 1227 and to repeal section 1227 of the statutes, relating to the erection and maintenance of guideposts.

Approved June 3.

No. 133, S.,

An act to repeal chapter 104 of the laws of 1913, to amend division (1) of subsection 1 of section 4565c—5 of the statutes, to create subdivision (1a) of subsection 1 of section 4565c—5 of the statutes, relating to the closed season for hunting fur-bearing mammals.

Approved June 3.

No. 247, S.,

An act to create section 392em—12, and subsection 2 of section 172—53 of the statutes, relating to a pharmaceutical dispensing station at the state university and making an appropriation.

Approved June 3.

No. 284, S.,

An act to create section 1778i of the statutes, relating to the right of eminent domain by gas, electric light, or power lines in certain cases.

Approved June 3.

No. 390, S.,

An act to appropriate the sum of four hundred dollars for the purpose of remounting cannon at Camp Randall.

Approved June 3.

No. 501, S.,

An act to amend section 1 and to create section 4 of chapter 104 of the laws of 1913, and making an appropriation.

Approved May 31.

No. 436, S.,

An act to create section 486m of the statutes, relating to school library books.

Approved June 3.

No. 439, S.,

An act to amend section 1222 of the statutes, relating to the fees of insurance companies.

Approved June 3.

No. 445, S.,

An act to amend subsection 2 of section 20 and sections 21 and 2 of the statutes, relating to publication of election notices.

Approved June 3.

No. 484, S.,

An act to amend section 4560a of the statutes, relating to the classification of the waters of the state for the purposes of enforcing the fish and game laws; to repeal section 4560a—10 and to create section 4560a—10 of the statutes, relating to fishing in the Mississippi river, Lake Pepin and Lake St. Croix.

Approved June 3.

No. 303, S.,

An act to amend subsections 1, 2 and 5 of section 471 of the statutes, relating to valuation of taxable property of school districts.

Approved June 3.

No. 8, S.,

An act to amend subsections 3, 11 and 13 of section 1492 of the statutes, relating to compensation to owners of cattle slaughtered after reacting to the tuberculosis test.

Approved May 31.

No. 376, S.,

An act to amend section 3803 of the statutes and to repeal section 3803a of the statutes, relating to the removal from office of executors, administrators, guardians and trustees.

Approved June 3.

No. 437, S.,

An act to create section 819c of the statutes, authorizing town boards to build sidewalks.

Approved June 3.

No. 448, S.,

An act to amend section 3718 of the statutes, relating to the service of garnishee summonses in justice court by publication.

Approved June 3.

No. 453, S.,

An act to amend subdivision (11) of subsection 1 of section 4560d of the statutes, relating to the use of spears.

Approved June 3.

No. 250, S.,

An act to amend section 1189 of the statutes, relating to limitation of actions to recover possession of lands conveyed for non-payment of taxes.

Approved June 7.

No. 379, S.,

An act to repeal sections 2526, 2527, 2528, 2531, 2532, 2533, 2535m and sections 2544a to 2544h, inclusive; to consolidate,

revise and amend sections 2524 and 2530, 2533f and 4502m; to consolidate and renumber sections 2540, 2541, 2542, 2543 and 2544 to be sections 2848m; to amend sections 2546f, 2533a, subsection 2533b, sections 2546a, 4701 and 4878; to create section 4502m; to renumber and amend section 2548 to be section 4502o; to renumber section 2559 to be section 4502o, of the statutes relating to jurors in courts of record.

Approved June 7.

No. 433, S.,

An act to create subsection 3 of section 1966—34 of the statutes, relating to evidencing the authority of surety companies.

Approved June 7.

No. 462, S.,

An act appropriating to certain persons the amount named for the repayment of personal expenses incurred out of the Wisconsin Legislative Fire Insurance Investigation Committee.

Approved June 6.

No. 417, S.,

An act to create subsection 7 of section 33, to amend subsection 4 of section 41, subdivision (c) of subsection 1 of section 41, division (b) of subsection 10, of section 38, sections 78, 88 and subsections 1 and 4 of section 94a of the statutes relating to elections.

Approved June 7.

No. 455, S.,

An act to repeal sections 772a, 772b, 772c, and 772d of the statutes, relating to the office of county supervisor of assessment and section 1087m—25 of the statutes, abolishing the office of county supervisor of assessment and prescribing further duties of the assessor of incomes; and to renumber, revise and amend sections 772d, 772e, 772f, 772g, 772h, 772i and 772j of the statutes prescribing the duties of the assessor of incomes.

Approved June 7.

No. 457, S.,

An act to amend sections 1416—15 and 1416—17 of the statutes, relating to public health.

Approved June 7.

No. 463, S.,

An act to create subdivision (i) of subsection 2 of section 172 of the statutes, relating to rebating premiums for insurance.

Approved June 7.

No. 464, S.,

An act to create section 172—118 of the statutes, making appropriation to the Wisconsin State Fire Preventive Association.

Approved June 7.

o. 467, S.,

n act to authorize the commissioners of public lands to sell
ain lands in Oneida county, belonging to the state of Wiscon-

pproved June 7.

o. 493, S.,

n act to amend section 1435a of the statutes, relating to meet-
of the state board of medical examiners.

pproved June 6.

o. 282, S.,

n act to create subdivision 9 of section 564 of the statutes,
ing to the duties of the state board of control of Wisconsin
o other state institutions.

pproved June 6.

o. 492, S.,

n act to amend section 3519e of the statutes, relating to bonds
eferees.

pproved June 6.

o. 451, S.,

n act to consolidate and amend sections 3908 and 3908x of the
ates, relating to the conveyance of lands of deceased persons in
nuance of contract.

pproved June 6.

o. 486, S.,

n act to compensate George B. Skogmo, Robert Glenn, L. G.
logg, E. J. Kneen, J. A. Chinnock and Henry Laycock for ex-
es incurred as members of a committee of the legislature to
er with a committee of the legislature of Minnesota, relating
niform and reciprocal laws relating to the taking of fish in all
ndary waters between Minnesota and Wisconsin, including
e Pepin and Lake St. Croix, appointed pursuant to joint reso-
d No. 52, S., adopted by the legislature of 1913; and to com-
sate C. A. Leicht and George Wagner for expenses incurred in
ompanying said committee at its request; and making an appro-
tion therefor.

pproved June 6.

o. 483, S.,

n act to amend section 925e of the statutes, relating to the
sion between a town or towns a village set off therefrom of
physical property of such town or towns.

pproved June 6.

o. 476, S.,

n act to repeal section 1498a—1, to create a new section to be
numbered 1498a—1, and to amend section 4562 of the statutes,
ing to the punishments for hunting or killing birds or ani-
s in violation of the game laws.

pproved June 6.

No. 470, S.,

An act to create section 1498t -1 of the statutes, relating to the taking of clams by nonresidents in inland waters in this state.
Approved June 6.

No. 447, S.,

An act to create section 4560f-11m of the statutes, relating to the operation of nets in certain waters of the state by nonresidents for fish and game warden.
Approved June 6.

No. 434, S.,

An act to detach certain territory from the towns of Amberg and Amberg in Marinette county, and to create the town of Amberg; to provide for town meetings therein and for a firm agreement between said towns.
Approved June 6.

No. 364, S.,

An act to amend section 411-6 of the statutes, relating to the certifying graduates of county training schools.
Approved June 6.

No. 310, S.,

An act to create section 450d of the statutes, relating to the qualifications of candidates for teachers' certificates after 1915.
Approved June 6.

Dated Madison, Wisconsin, June 10th, A. D. 1913.

Respectfully submitted,

FRANCIS E. McGOVER

Go

ASSEMBLY MESSAGE CONSIDERED.
No. 53, S.

Amendment No. 1, A., concurred in.

No. 78, S.

Substitute amendment No. 1, A.

The question was, Shall the substitute amendment be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, none; absent or not voting, 5, as follows:

Ayes—Senators Albers, Burke, Culbertson, Cunningham, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin, Monk, Perry, Randolph, Richards, Scott, Skogmo, Snow, Teasdale, Tomkins, True, Weigle, Weissleder, W. Zophy—27.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Bishard, and Martin H. C.—5.

And so the substitute amendment was concurred in.

No. 103, S.

Upon motion of Senator Kileen,
Placed at foot of calendar.

No. 354, A.

Upon motion of Senator Randolph, and with unanimous consent,
The vote by which the bill was concurred in, was reconsidered.
Substitute amendment No. 2, A., was concurred in, and
The bill, as amended, was concurred in.

No. 637, A.

Upon motion of Senator Tomkins, and with unanimous consent,
The vote by which the bill was concurred in, was reconsidered.
Amendment No. 2, A., concurred in, and
The bill, as amended, was concurred in.

No. 356, A.

Upon motion of Senator White,
The senate insists upon its position on substitute amendment
No. 1, S., and requests a committee of conference.

MOTIONS CONSIDERED.**No. 131, A.**

Upon motion of Senator A. E. Martin,
Placed at foot of calendar.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read second time.

No. 391, S.

Amendment No. 3, S., to substitute amendment No. 1, S., re-
sented adoption.

Upon motion of Senator White,

No. 391, S., and**No. 34, S.,**

Were made a special order for 7:30 o'clock p. m.

No. 397, S.

Senator Bosshard offered amendment No. 1, S., to substitute
amendment No. 1, S.

Upon motion of Senator Richards,

Laid over until Wednesday, June 18, 1913.

No. 142, S.

Amendment No. 1, S., adopted.

Amendment No. 2, S., adopted.

Upon motion of Senator Scott,

Re-referred to the committee on Education and Public Welfare.

Upon request of Senator Burke, and with unanimous consent,
No. **261, A.**, was taken up at this time.

No. **261, A.**,

A bill to provide for a state normal school in the northern
portion of the state,

Was read a second time.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes,
noes, 22; absent or not voting, 3, as follows:

Ayes—Senators Albers, Hoyt, Huber, Monk, Perry, Skelton,
and Teasdale—7.

Noes—Senators Ackley, Biehler, Bosshard, Burke, Calkins,
son, Cunningham, Glenn, Husting, Kellogg, Kileen, Lamm,
Martin A. E., Randolph, Richards, Scott, Stevens, Tomlinson,
True, Weigle, Weissleder, White, and Zophy—22.

Absent or not voting—Senator Bishop, Martin H. Calkins,
Snover—3.

And so the senate refused to non-concur in the bill and then
ordering it to a third reading.

Upon request of Senator Tomkins,

All rules interfering, were suspended with unanimous consent,
and the bill was placed upon its concurrence at this time.

No. **261, S.**,

Was read a third time, and concurred in.

Upon request of Senator Burke,

All rules interfering, were suspended with unanimous consent,
and the bill was ordered messaged to the assembly at once.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **170, A.**,

Ordered to third reading.

No. **487, A.**

Senator Ackley offered amendment No. 1, S., to substitute
amendment No. 1, S.

RECESS.

Upon motion of Senator Monk,

The senate took a recess until 7:30 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **418, S.**,

Correctly enrolled at 12:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

487, A.

Upon motion of Senator Husting,
 laid over until Wednesday, June 18, 1913.
 Upon request of Senator Bosshard, and with unanimous consent,
 rule 11 was suspended.
 Senator Ackley moved to take No. **225, S.** from the table,
 which motion was lost.

EXECUTIVE COMMUNICATION.

STATE OF WISCONSIN,
Executive Office.

The Honorable, the Legislature:

Gentlemen: I have the honor to submit the following report
 of paroles, pardons, and commutations of sentences granted dur-
 ing the term beginning the first Monday of January, 1911, and
 ending the first Monday in January, 1913, together with the rea-
 sons which controlled executive action, as required by section 6,
 article 5, of the constitution of the state of Wisconsin.

PARDONS TO RESTORE RIGHTS OF CITIZENSHIP AFTER EXPIRATION OF SENTENCE.

Edward Collier: convicted before the circuit court for Ke-
 ewa County on the 29th day of April, 1907, of the crime of
 manslaughter in the fourth degree and sentenced to pay a fine of
 one thousand dollars and costs. Pardon granted to restore rights
 of citizenship March 20, 1911.

Constantin Huff: convicted before the circuit court for Mari-
 shew County on the 20th day of October, 1908, of the crime of
 larceny and sentenced to state prison at Waupun for the
 term of one year. Pardon granted to restore rights of citizenship,
 March 23, 1911.

M. Price: convicted before the circuit court for Marinette
 County on the 21st day of January, 1910, of the crime of counsel-
 ing and attempting the commission of bribery and sentenced to
 pay a fine of four hundred dollars and costs. Pardon granted
 to restore rights of citizenship April 21, 1911.

John S. Johnson: convicted before the municipal Milwaukee County on the 18th day of January, 1908, of manslaughter in the third degree and sentenced to state prison at Waupun for the term of four years. Pardon granted and rights of citizenship April 24, 1911. In this case the law requiring that one year elapse between the expiration of term and restoration to citizenship was suspended to allow applicant to take out patent.

Albert Krueger: convicted before the municipal court Milwaukee County on the 6th day of October, 1904, of the crime of assault with intent to commit rape and sentenced to state prison at Waupun for the term of four years. Pardon granted and rights of citizenship April 28, 1911.

T. H. Bishop: convicted before the circuit court for Milwaukee County on the 23rd day of August, 1904, of the crime of incest and sentenced to the state prison at Waupun for the term of three years. Pardon granted and rights of citizenship July 28, 1911.

John Okray: convicted before the circuit court for Milwaukee County on the 15th day of April, 1905, of the crime of murder with intent to commit murder and sentenced to state prison at Waupun for the term of seven years. Pardon granted and rights of citizenship August 8, 1911.

Adolph Scholz: convicted before the municipal court Milwaukee County on the 2nd day of December, 1899, of the crime of horse stealing and sentenced to the Milwaukee County Correction for the term of two years. Pardon granted and rights of citizenship August 18, 1911.

Gustave Muenchow: convicted before the circuit court for Marathon County on the 11th day of March, 1902, of the crime of burglary and sentenced to state prison at Waupun for the term of three years. Pardon granted and rights of citizenship August 29, 1911.

Arthur Peich: convicted before the county court for Worth County on the 20th day of December, 1907, of the crime of burglary and sentenced to the Wisconsin State Reformatory for the term of four years. Restored to citizenship September 21, 1911.

Daniel Minnick: convicted before the county court for Marathon County on the 1st day of July, 1907, of the crime of i

sentenced to the state prison at Waupun for the term of four years. Pardon granted to restore rights of citizenship September 30, 1911.

Fred C. Cowie: convicted before the circuit court for Waauke County on the 20th day of May, 1905, of the crime of uttering a forged paper and sentenced to state prison at Waupun for the term of two years. Restored to citizenship October 11, 1911.

Charles W. Milbrath: convicted before the circuit court for Waauke County on the 15th day of April, 1909, of the crime of embezzlement and sentenced to the state prison at Waupun for the term of three years. Pardon granted to restore rights of citizenship October 30, 1911.

J. W. Alton: convicted before the circuit court for Monroe County on the 20th day of March, 1902, of the crime of incest and sentenced to state prison at Waupun for the term of fifteen years. Pardon granted to restore rights of citizenship January 1, 1912.

James Vallier: convicted before the municipal court for Milwaukee County on the 2nd day of April, 1906, of the crime of manslaughter in the third degree and sentenced to state prison at Waupun for the term of seven years. Pardon granted to restore rights of citizenship March 6, 1912.

Dan Purtell: convicted before the county court for Barron County on the 11th day of January, 1909, of the crime of grand larceny and sentenced to the Wisconsin State Reformatory for the term of two years. Pardon granted to restore rights of citizenship March 15, 1912.

Frank Giroux: convicted before the county court for Barron County on the 16th day of October, 1905, of the crime of larceny and sentenced to the state prison at Waupun for the term of fifteen months. Pardon granted to restore rights of citizenship March 15, 1912.

James Stewart: convicted before the circuit court for Price County on the 16th day of February, 1883, for the crime of larceny and sentenced to state prison at Waupun for the term of one year. Pardon granted to restore rights of citizenship March 1, 1912.

Frank Pionek: convicted before the circuit court for Portage County on the 14th day of January, 1907, of the crime of assault with intent to do great bodily harm and sentenced to the Wis-

consin State Reformatory for the term of one year granted to restore rights of citizenship March 27, 1912.

C. Allinger, Jr.: convicted before the municipal court of Dane County on the 14th day of July, 1906, of the crime of attempt at robbery and sentenced to the Wisconsin State Reformatory for the term of six years. Pardon granted to restore rights of citizenship April 3, 1912.

Edward Plude: convicted before the county court of Dane County on the 20th day of July, 1909, of the crime of larceny and sentenced to the state prison at Waupun for the term of one year. Pardon granted to restore rights of citizenship April 18, 1912.

Frank Engenhart: convicted before the circuit court of Cross County on the 18th day of September, 1907, of the crime of burglary and sentenced to the state prison at Waupun for the term of three years. Pardon granted to restore rights of citizenship April 19, 1912.

John Pollock: convicted before the municipal court of Waukesha County on the 1st day of June, 1907, of the crime of manslaughter in the second degree and sentenced to the state prison at Waupun for the term of five years. Pardon granted to restore rights of citizenship April 22, 1912.

James L. Fogo: convicted before the circuit court of Cross County on the 19th day of March, 1908, of the crime of assault with intent to do great bodily harm and sentenced to the Wisconsin State Reformatory for the term of three years. Pardon granted to restore rights of citizenship May 14, 1912.

John Schoffel: convicted before the municipal court of the western district of Waukesha County on the 2nd day of November, 1897, of the crime of burglary and sentenced to the state prison at Waupun for the term of one year. Pardon granted to restore rights of citizenship May 28, 1912.

John Malinowski: convicted before the district court of Milwaukee County on the 11th day of July, 1901, of the crime of larceny and sentenced to the Milwaukee County Jail for the term of five months. Pardon granted to restore rights of citizenship June 12, 1912.

Paul Gehring: convicted before the circuit court of Cross County on the 8th day of July, 1908, of the crime of assault and sentenced to the state prison at Waupun for the term of one year.

years and six months. Pardon granted to restore rights of citizenship July 24, 1912.

Le Herheim: convicted before the municipal court for Dane County on the 16th day of July, 1907, of the crime of manslaughter in the fourth degree and sentenced to the state prison at Waupun for the term of twenty-two months. Pardon granted to restore rights of citizenship July 25, 1912.

Henry H. Smith: convicted before the municipal court for Outagamie County on the 26th day of October, 1910, of the crime of burglary and sentenced to the state prison at Waupun for the term of one year. Pardon granted to restore rights of citizenship August 2, 1912.

Elmer H. Rowell: convicted before the circuit court for Winnebago County on the first day of June, 1908, of the crime of incest and sentenced to the Wisconsin State Reformatory for the term of three years. Pardon granted to restore rights of citizenship August 12, 1912.

Aspar Klein: convicted before the circuit court for Outagamie County on the 15th day of February, 1908, of the crime of assault with intent to rob and sentenced to the state prison at Waupun for the term of five years. Pardon granted to restore rights of citizenship August 30, 1912.

Arthur P. Hauenstein: convicted before the municipal court for Milwaukee County on the 18th day of August, 1910, of the crime of attempted forgery and sentenced to the Wisconsin State Reformatory for the term of one year. Pardon granted to restore rights of citizenship September 7, 1912.

Edwin F. Loomis: convicted before the circuit court for Oneida County on the 16th day of July, 1908, of the crime of larceny, and sentenced to state prison at Waupun for the term of three years. Pardon granted to restore rights of citizenship September 26, 1912.

George Adams: convicted before the municipal court for Dane County on the 7th day of March, 1910, of the crime of larceny and sentenced to the Wisconsin State Reformatory for the term of one year. Pardon granted to restore rights of citizenship October 5, 1912.

Frank Praeger: convicted before the municipal court for Milwaukee County on the 9th day of December, 1910, of the crime of manslaughter, and sentenced to the Milwaukee County House

of Correction for the term of two years. Pardon granted to restore rights of citizenship October 30, 1912.

Ernest Hoffmeister: convicted before the circuit court for Marathon County on the 9th day of April, 1902, of the crime of assault with intent to murder, and sentenced to the state prison at Waupun for the term of eight years. Pardon granted to restore rights of citizenship October 30, 1912.

William Selbach: convicted before the circuit court for Marathon County on the 29th day of June, 1910, of the crime of passing money under false pretenses and sentenced to the state prison at Waupun for the term of one year. Pardon granted to restore rights of citizenship October 30, 1912.

Cornelius McKune: convicted before the municipal court for Racine County on the 17th day of September, 1905, of the crime of assault with intent to murder, and sentenced to the state prison at Waupun for the term of twelve years. Pardon granted to restore rights of citizenship November 2, 1912.

Fred D. Johnstone: convicted before the municipal court for Dane County on the 23rd day of May, 1911, of the crime of assault with intent to do great bodily harm and sentenced to the state prison at Waupun for the term of eighteen months. Pardon granted to restore rights of citizenship December 16, 1912.

Charles Voeltz: convicted before the municipal court for Milwaukee County on the 15th day of February, 1901, of the crime of forgery and sentenced to the Milwaukee County Jail for Correction for the term of two years. Pardon granted to restore rights of citizenship December 16, 1912.

Mathew Thielen: convicted before the municipal court for Racine County on the 24th day of May, 1904, of the crime of burglary and sentenced to the state prison at Waupun for the term of eight years. Pardon granted to restore rights of citizenship December 26, 1912.

COMMUTATIONS OF SENTENCES TO STATE PRISON AT WAUPUN

William C. Hislop: convicted before the municipal court for Milwaukee County on the 3rd day of April, 1909, of the crime of assault with intent to rob, and sentenced to the state prison at Waupun for the term of eight years. Sentence commuted to five years on October 2, 1911, for the reason that the term was deemed excessive, inasmuch as the evidence tended to show that the defendant was not a habitual criminal.

Hislop's presence acted as a restraining influence upon his companion. Commutation of sentence in this case was recommended by the district attorney who prosecuted the defendant by his successor in office.

Peter Roszczyniala: convicted before the municipal court for Waauke County on the 12th day of November, 1904, of the crime of rape, and sentenced to the state prison at Waupun for a term of twenty-five years. Sentence commuted to thirteen years and six months to permit parole in order that the prisoner who was dying of tuberculosis need not die in prison. This action was taken on the recommendation of the warden and the president of the Board of Control. Roszczyniala died several months after he had been paroled. Sentence commuted on November 2, 1911.

German Mueller: convicted before the municipal court for Waauke County on the 30th day of October, 1899, of the crime of murder in the second degree, and sentenced to state prison at Waupun for the term of twenty-five years. Sentence commuted to twenty-four years to permit parole. This action was taken upon the recommendation of the warden of the prison and the president of the board of control. The prison physician submitted a report showing that the prisoner was a victim of tuberculosis and that his condition was critical, and thereupon objections of the judge and the district attorney were withdrawn. Commutation of sentence granted on December 22, 1911.

Victor Flude: convicted before the municipal court for Milwaukee County on the 5th day of November, 1901, of the crime of rape, and sentenced to state prison at Waupun for the term of twenty years. Sentence commuted on December 22, 1911, to eighteen years, to permit the sister of the defendant to take her west upon the expiration of his sentence, where he could be properly cared for.

Angla Funk: convicted before the municipal court for Milwaukee County on the 1st day of May, 1899, of the crime of murder in the first degree, and sentenced to state prison at Waupun for the term of her natural life. Sentence commuted on December 22, 1911, to twenty-five years, the maximum penalty for second degree murder. This action was taken upon the recommendation of the judge before whom she was convicted, together with the showing that there was no proof of intent to kill and because the evidence in the case tended to show

that the woman was probably coerced by her husband, her greatest offense, therefore, was second degree murder. Her claims were submitted testifying to her good character and a person in Chicago guaranteed to provide her with a home as she lived.

Norman Sackrider: convicted before the municipal court of Milwaukee County on the 13th day of April, 1909, of assault with intent to rob, being armed with a dagger and sentenced to state prison at Waupun for nine years. Sentence commuted on April 20, 1912, because the previous good character of the defendant and the circumstances surrounding the case tended to show that a commutation of sentence to permit parole might reclaim him.

Harvey Gustavus: convicted before the circuit court of Winnebago County on the 20th day of September, 1909, of assault regardless of life, and sentenced to state prison at Waupun for the term of seven years. Petition for commutation of sentence signed by one-hundred and seventy-five persons of Winnebago County. Sentence commuted on April 20, 1912, to six years, for the reason that it was shown that a commutation to permit parole, in view of all the circumstances of the case, opened the way for reclaiming the defendant.

Elsie Morris: convicted before the circuit court of Winnebago County on the 29th day of January, 1910, of receiving stolen goods, and sentenced to state prison at Waupun for the term of five years. Sentence commuted on April 20, 1912, to the term of four years upon recommendation of the judge before whom she was convicted, the district attorney who prosecuted her, the warden of the state prison at Waupun, the board of control, and upon the report of the prison physician showing that the woman had but a short time to live.

Mary Delacy: convicted before the circuit court of Winnebago County on the 12th day of August, 1912, of the crime of infanticide, and sentenced to the state prison at Waupun for one year. Sentence commuted on December 10, 1912, to six months, upon recommendation of the district attorney, the warden of the prison and the state board of control, on the ground that the defendant was expecting to give birth to a child in January, 1913, and it was not desired that the stigma of having been born in prison should follow the child through

W. Pert: convicted before the circuit court for Vernon County on the 12th day of August, of the crime of adultery, and sentenced to the state prison at Waupun for the term of one

Sentence commuted on December 11, 1912, to eight months, upon the recommendation of the district attorney. The district attorney held that the man who was co-defendant with Delacy was less guilty than she, and he protested against extending any clemency to the woman unless similar clemency extended to the man.

CONDITIONAL PARDONS, OR PAROLES, FROM STATE PRISON AT... WAUPUN.

El Moan: convicted before the circuit court for La Crosse County on the 19th day of January, 1911, of the crime of larceny \$100, and sentenced to the state prison at Waupun for the term of one year. Upon recommendation of the trial judge and district attorney, upon showing that the defendant was un-mindful and it appearing that his widowed mother was dependent upon him for support and the care of the farm, on May 1911, Moan was granted a conditional pardon, the conditions being that he return to his mother, contribute to her support, abstain from intoxicating liquors for the period of one year. On October 2, 1911, upon showing that the prisoner had violated the conditions of his pardon by becoming intoxicated, the conditional pardon was revoked and Moan was returned to prison.

Julius Zuelke: convicted before the circuit court for Green County on the 27th day of January, 1898, of the crime of murder in the first degree, and sentenced to the state prison at Waupun for the term of his natural life. On December 22, 1911, he was granted a conditional pardon, the conditions being that he keep the peace and refrain from violence or from threats of violence. This action was taken because a study of the evidence showed that second degree murder was the highest offense of which the defendant was guilty. The judge before whom the case was tried objected to an absolute pardon but was not opposed to parole. The district attorney who prosecuted the case refused clemency.

Alfred B. Crumpton: convicted before the municipal court of Kenosha County on the 28th day of August, 1911, of the

crime of assault with intent to do great bodily harm, and sentenced to the state prison at Waupun for the term of two years. On April 20, 1912, he was granted a conditional pardon, the conditions being that he return to Tennessee, abstain from intoxicating liquors, and report quarterly to his counsel what has been his conduct and his employment. This action was taken upon recommendation of the complaining witness, the district attorney, the sheriff of Kenosha County, the chief of police of the city of Kenosha and the mayor and police heads of Nashville, Tennessee, where Crumpton formerly resided.

John Mathews: convicted before the municipal court for Winnebago County on the 20th day of March, 1909, of the crime of murder in the second degree, and sentenced to the state prison at Waupun for the term of fourteen years. On July 5, 1912, he was granted a conditional pardon, the conditions being that he abstain from intoxicating liquors, keep the peace and report quarterly to F. L. Leavens of Neenah, Wisconsin. This action was taken on recommendation of judge and district attorney, and on the report of the prison physician showing that the mental condition of the prisoner was such that release from prison offered the only hope of saving the prisoner's mind.

CONDITIONAL PARDONS, OR PAROLES, FROM THE MILWAUKEE COUNTY HOUSE OF CORRECTION.

Fred Kruse: convicted before the district court for Milwaukee County on the 5th day of November, 1910, of the crime of abandonment, and sentenced to the Milwaukee County House of Correction for the term of nine months. On February 1, 1911, he was paroled on request of the judge, the district attorney and the superintendent of the Milwaukee Associated Charities, that he might support his family.

Byron Scott: convicted before the district court for Milwaukee County on the 3rd day of December, 1910, of the crime of abandonment, and sentenced to the Milwaukee County House of Correction for the term of nine months. On March 16, 1911, he was paroled on request of the judge and the district attorney.

Frank McNevin: convicted before the municipal court for Milwaukee County on the 27th day of April, 1910, of the crime of burglary, and sentenced to the Milwaukee County House of Correction for the term of three years. On October 2, 1911, he

granted a conditional pardon, the condition being that he report quarterly on his conduct and employment. This action was recommended by District Attorney W. C. Zabel, for District Attorney C. A. A. McGee and Judge A. C. Backus. It was also shown that the prisoner's uncle, aunt, grandmother, grandfather and three brothers of the grandfather died with tuberculosis, and that confinement for a long term might endanger the life of the prisoner by reason of his tendency to tuberculosis.

William R. McCay: convicted before the district court for Milwaukee County on the 29th day of April, 1911, of the crime of abandonment, and sentenced to the Milwaukee County House of Correction for the term of six months. On September 22, 1911, he was granted a conditional pardon, the conditions being that he abstain from intoxicating liquors, support his family and keep the peace. This action was taken upon recommendation of the judge, the district attorney, the superintendent of the House of Correction and the Rev. T. E. Barr.

Stanley Kwiatkowski: convicted before the district court for Milwaukee County on the 11th day of September, 1911, of the crime of abandonment, and sentenced to the Milwaukee County House of Correction for the term of six months. On December 1, 1911, he was granted a conditional pardon, the condition being that he contribute to the support of his family. This action was earnestly urged by the judge and district attorney, and it was clearly shown that an injustice had been done inasmuch as the defendant had been contributing to the support of his family during the period of the alleged abandonment. It was also shown that a conditional pardon would reunite the family and work for the good of all concerned.

Herbert Herbst: convicted before the municipal court for Milwaukee County on the 20th day of January, 1912, of the crime of assault and battery and sentenced to the Milwaukee County House of Correction for the term of ninety days. On February 20, 1912, he was granted a conditional pardon, the conditions being that he report forthwith to Probation Officer Theodore Puls and abide by the conditions by him imposed. This action was taken upon the request of the judge and the recommendations of the district attorney.

Walter Jahn: convicted before the municipal court of Milwaukee County on the 20th day of January, 1912, of the crime of assault and battery and sentenced to the Milwaukee County House of Correction for the term of ninety days. On March 20, 1912, he was granted a conditional pardon, the conditions being that he report forthwith to Probation Officer Theodore Puls and abide by the conditions by him imposed. This action was taken upon the request of the judge and the recommendations of the district attorney.

Henry Volkmann: convicted before the municipal court of Milwaukee County on the 22nd day of April, 1911, of the crime of assault with intent to do great bodily harm, and sentenced to the Milwaukee County House of Correction for the term of two years. On June 3, 1912, he was granted a conditional pardon, the conditions being that he report forthwith to Probation Officer Theodore Puls and abide by the regulations laid down by him. This action was taken on recommendation of the judge and district attorney, on testimonials to the good character of the defendant prior to this offense and because he had served one-half of the full sentence imposed.

Fred G. Steltz: convicted before the municipal court of Milwaukee County on the 28th day of October, 1911, of the crime of embezzlement, and sentenced to the Milwaukee County House of Correction for the term of fifteen months. On September 12, 1912, he was granted a conditional pardon, the conditions being that he report forthwith to Probation Officer Theodore Puls and abide by the rules and regulations laid down by him. This action was taken upon the recommendation of the judge and district attorney, and upon showing that the wife of the defendant was about to undergo a serious operation and was in need of her husband's support.

Jacob Saveland: convicted before the district court of Milwaukee County on the 18th day of July, 1912, for the crime of vagrancy and sentenced to the Milwaukee County House of Correction for the term of ninety days. On August 23, 1912, he was granted a conditional pardon, the conditions being that he abstain from intoxicants and conduct and demean himself as a peaceable and law-abiding citizen. This action was taken upon showing that the defendant owned a life interest in about one thousand dollar property in Milwaukee, and that at the

arrest he was regularly employed by the Allis-Chalmers company.

Arthur Backman: convicted before the municipal court for Milwaukee County on the 23rd day of April, 1912, of the crime of abandonment, and sentenced to the Milwaukee County House of Correction for the term of two years. On December 20, 1912, he was granted a conditional pardon, the conditions being that he report forthwith to Probation Officer Theodore Puls, abide by such regulations and engage in such employment as Mr. Puls should designate, and apply his earnings, under the direction of Mr. Puls, to the support of his family. This action was taken on showing that the wife and children of the defendant were in destitute circumstances, and on the recommendations of the judge and district attorney that the defendant be conditionally pardoned in order that his earnings might be applied to the support of his family.

CONDITIONAL PARDONS, OR PAROLES, FROM THE INDUSTRIAL SCHOOL FOR GIRLS.

Gladys Noonan: convicted before the county court for La Crosse County on the 30th day of August, 1909, of the crime of lewd, wanton and lascivious behavior and sentenced to the Industrial School for Girls for the period of her minority. On September 22, 1911, she was granted a conditional pardon, the conditions being that she return to her mother, lead a virtuous life and report monthly as to her conduct. This action was taken on showing that her mother was now in position to care for her, superintend her education and provide her with the medical treatment that the affidavits of physicians showed was needed. The pardon was recommended by State Senator Otto Shoard and by the district attorney and the judge before whom the case was heard had no objections to a conditional pardon.

Ruth Simocks Barnes: convicted before the county court for Crosse County on the 20th day of March, 1909, of the crime of lewd, lascivious conduct, and sentenced to the Wisconsin Industrial School for Girls for the period of her minority. On October 2, 1911, she was granted a conditional pardon, the conditions being that she return to her mother, conduct herself becomingly and report monthly what has been her conduct. This action was taken on showing that the home conditions had

changed for the better and on recommendation of the judge, the district attorney who prosecuted the case, and the district attorney then in office.

Josie Debinski: convicted before the county court for Iron County on the 8th day of March, 1911, of the crime of larceny, and sentenced to the Wisconsin Industrial School for Girls for the period of her minority. On June 1, 1911, she was granted a conditional pardon, the conditions being that she return to her home in Michigan and report regularly to the Hon. M. J. Walsh, Superintendent of Schools, Bessemer, Michigan. This action was taken upon showing that the girl was under the domination of her mother at the time the offense was committed, and that the guilt was that of the mother rather than of the girl. The pardon was recommended by the Superintendent of Schools in Bessemer, Michigan, the mayor of Bessemer and the circuit judge of Googebie County, Michigan, together with thirty-nine citizens of Bessemer, Michigan.

Pearl Koralewski: convicted before the county court for Iron County on the 8th day of March, 1911, of the crime of larceny, and sentenced to the Wisconsin Industrial School for Girls for the period of her minority. On June 1, 1911, she was granted a conditional pardon, the conditions being that she return to her home in Michigan and report regularly to the Hon. M. J. Walsh, Superintendent of Schools, Bessemer, Michigan. This action was taken upon showing that the girl was under the domination of her mother at the time the offense was committed, and that the guilt was that of the mother rather than of the girl. The pardon was recommended by the Superintendent of Schools of Bessemer, Michigan, the mayor of Bessemer and the circuit judge of Googebie County, Michigan, together with thirty-nine citizens of Bessemer, Michigan.

CONDITIONAL PARDONS, OR PAROLES, FROM THE INDUSTRIAL SCHOOL FOR BOYS.

Edwin Elvethun: convicted before the justice court for Rock County on the 24th day of November, 1911, of the crime of fornication, and sentenced to the Wisconsin Industrial School for Boys for the term of his minority. On April 23, 1912, he was granted a conditional pardon, the conditions being that he return to his parents in Stoughton, Wisconsin, put himself under

for guidance, and report monthly to the Hon. Sylvanus Ames, County Superintendent of Schools. This action was taken upon a resolution signed by the Dane County Superintendent of Schools, the Chief of Police of Stoughton and seventy-five residents of Stoughton, and upon showing that a conditional pardon offered the best means of reclaiming the youth.

CONDITIONAL PARDONS, OR PAROLES, FROM COUNTY JAILS.

Golpa Fell: convicted before the justice court for Dane County on the 24th day of April, 1911, of the crime of assault with a dangerous weapon, battery, and sentenced to the Dane County Jail for the term of ninety days. On May 12, 1911, he was granted a conditional pardon, the conditions being that he abstain from intoxicating liquors and keep the peace. This action was taken on recommendation of the justice of the peace who sentenced him and upon showing that such a course would work for the best interest of all concerned.

J. M. Gritten: convicted before the municipal court for Dane County on the 3rd day of February, 1911, of the crime of larceny, and sentenced to pay a fine of \$200, and in default thereof, committed to the Dane County Jail for the term of six months. On May 31, 1911, he was granted a conditional pardon, the conditions being that he abstain from intoxicants, support his wife and child and keep the peace. This action was taken on recommendation of the judge and the district attorney, and upon showing that his wife and minor child were absolutely dependent upon him for sustenance and support.

John Francis Ryan: convicted before the municipal court for Waukesha County on the 18th day of May, 1911, of the crime of resisting an officer, and sentenced to the Waukesha County Jail for the term of six months. On July 25, 1911, he was granted a conditional pardon, the conditions being that he abstain from intoxicants, keep the peace and report monthly what has been his conduct. This action was taken on recommendation of the district attorney and it appearing that a conditional pardon would work to the best interest of the defendant and his family, and would be in accord with the demands of justice.

Thomas Wallace Ryan: convicted before the municipal court for Waukesha County on the 18th day of May, 1911, of the crime of resisting an officer, and sentenced to the Waukesha County Jail for the term of six months.

Jail for the term of six months. On July 25, 1911, he was granted a conditional pardon, the conditions being that he abstain from intoxicants, keep the peace and report monthly what had been his conduct. This action was taken on recommendation of the district attorney and it appearing that a conditional pardon would work to the best interests of the defendant and his family, and would be in accord with the demands of justice.

Allie Edwards: convicted before the circuit court for Brown County on the 3rd day of March, 1912, of the crime of keeping a disorderly house, and sentenced to pay a fine of \$500 and costs and be imprisoned in the Brown County jail for the term of six months. On July 15, 1912, she was granted a conditional pardon, the conditions being that she do not return to her former life and that she conduct herself as a law-abiding citizen. This action was taken on showing that the fine and costs had been paid, that half of the jail sentence imposed had been served, and of affidavits of physicians to the effect that the cure of the malady from which the woman was suffering depended upon her release and subsequent proper treatment and diet. The malady from which she suffered was affecting both her mental and physical condition.

ABSOLUTE PARDON FROM THE STATE PENITENTIARY.

Albert Pagel: convicted before the municipal court for Milwaukee County on the 10th day of August, 1908, of the crime of larceny of a horse and buggy, and sentenced to the state prison at Waupun for the term of ten years. On February 2, 1911, he was granted a pardon, for the reason that the facts presented to the governor showed that the sentence given was excessive.

Frank Stevens: convicted before the circuit court for Marathon County, being a special term for Lincoln County, on the 3rd day of March, 1910, of the crime of incest, and sentenced to the state prison at Waupun for the term of two years. On March 24, 1911, he was granted an absolute pardon for the reason that he was dying of tuberculosis and his pardon was recommended by the judge who sentenced him, the district attorney, the warden of the state prison and the prison physician.

Joseph Pionek: convicted before the circuit court for Outagamie County, being a special term for Shawano County, on the 5th day of October, 1910, of the crime of manslaughter in the

fourth degree, and sentenced to the state prison at Waupun for the term of two years. On December 22, 1911, he was granted absolute pardon on recommendation of the judge and the district attorney, and because it was shown that there was question whether he had been guilty of an offense more serious than assault and because it was doubtful if conviction could have been secured if he had stood trial instead of pleading guilty. It was also shown that he had served sufficient length of time for any assault of which he may have been guilty in this case.

Andy Garland: convicted before the circuit court for Lincoln County on the 5th day of February, 1910, of the crime of assault and robbery, and sentenced to the state prison at Waupun for the term of four years. On April 7, 1911, he was granted absolute pardon for the reason that he was dying with tuberculosis and his release was recommended by the judge who sentenced him, by the district attorney, by the warden of the state prison and by the prison physician.

James Baxter: convicted before the municipal court for Milwaukee County on the 30th day of January, 1909, of the crime of forgery, and sentenced to the state prison at Waupun for the term of five years. On June 1, 1911, he was granted an absolute pardon on showing that he had been sentenced on each of two counts in the information lodged against him, although he had pleaded guilty to but a single count. A posthumous letter from Judge A. C. Brazee was produced by the prisoner recommending that the prisoner be pardoned from the sentence imposed on the second count on the information when the sentence imposed on the first count had been served. This letter Baxter had held until the sentence imposed in the first count had been served.

Daniel Lynch: convicted before the municipal court for Milwaukee County on the 31st day of March, 1905, of the crime of assault with intent to rape, and sentenced to the state prison at Waupun for the term of ten years. On June 20, 1911, he was granted an absolute pardon for the reason that his sentence would have expired within ten days and the defendant had promised to abstain henceforth from the use of intoxicating liquors and to provide for the support of his aged mother. In this case, pardon operated practically merely to restore citizenship and to provide the prisoner with a stronger incentive to lead a better life.

Thomas Jones: convicted before the circuit court for Barron County on the 23rd day of December, 1884, of the crime of murder in the first degree, and sentenced to the state prison at Waupun for the term of his natural life. On December 22, 1911, he was granted an absolute pardon, for the reason that it was clearly shown that the greatest offense of which he had been guilty was murder in the second degree, and he had already served more than the maximum punishment that could have been imposed for second degree murder. The district attorney who prosecuted him had died as had also the judge who sentenced him, but a copy of a letter written by the judge shortly before his death was produced recommending a commutation of sentence.

William Dickinson: convicted before the circuit court for Waushara County on the 4th day of May, 1907, of the crime of rape, and sentenced to the state prison at Waupun for the term of fifteen years. On December 22, 1911, he was granted an absolute pardon for the reason that it was clearly shown that the offense committed was fornication rather than rape. The pardon of Dickinson was asked for by the district attorney who prosecuted him, by the twelve jurors who returned the verdict of guilty against him, by the sheriff, by the district attorney in office at the time the application for pardon was presented, by the county clerk, by the county treasurer, by the clerk of the circuit court, by the county judge, by the register of deeds, by former county judge and two former sheriffs.

Arthur Caddock: convicted before the circuit court for Kenosha County on the 10th day of June, 1907, of the crime of assault with intent to rape, and sentenced to the state prison at Waupun for the term of ten years. On December 22, 1911, he was granted an absolute pardon on recommendation of the trial judge, the district attorney who prosecuted him and the district attorney in office at the time the petition for pardon was presented and for the reason that the evidence showed that the greatest offense of which the prisoner was guilty in this instance was taking indecent liberty with a female child rather than rape.

Charles James: convicted before the municipal court for Milwaukee County on the 23rd day of January, 1904, of the crime of rape, and sentenced to the state prison at Waupun for the term of fifteen years. On December 22, 1911, he was granted an absolute pardon for the reason that the evidence showed that the

highest degree of guilt in this instance was taking indecent liberty with a female child rather than rape. It was shown that the state had offered to accept a plea of guilty to this lesser offense, and that the prisoner's counsel had failed to communicate that offer to the prisoner. The pardon was favored by the assistant district attorney who had prosecuted the case. A letter was submitted from a former employer of James guaranteeing to provide the prisoner with employment when he was released. A petition for pardon was signed by fifty-six residents of Milwaukee, including the deacons of the Welsh Presbyterian Church.

Fred Dahlman: convicted before the municipal court for the eastern district of Waukesha County on the 17th day of December, 1910, of the crime of larceny of a horse, and sentenced to the state prison at Waupun for the term of five years. On April 23, 1912, he was granted an absolute pardon on recommendation of the trial judge and the district attorney who prosecuted, for the reason that it was shown that Dahlman had been sufficiently punished for the offense committed.

Mary Roberts: convicted before the municipal court for Winnebago County on the 12th day of May, 1911, of the crime of arson, and sentenced to the state prison at Waupun for the term of three years. On April 20, 1912, she was granted an absolute pardon for the reason that it was clearly shown that she was mentally unbalanced and had been at the time the offense was committed, and upon the guarantee of her relatives in North Dakota to take her to that state and see that she was properly cared for if she was pardoned. The petition for her pardon was signed by the jurors who convicted her and by approximately one-hundred residents of Winnebago County, including a majority of the county officials and many of the city officials of the City of Oshkosh. The district attorney at first objected to a pardon but later withdrew his objections and went on record as neither favoring nor opposing a pardon.

Thomas Burns: convicted before the circuit court for Racine County on the 24th day of April, 1911 of the crime of larceny as bailee, and sentenced to the state prison at Waupun for the term of one year. On March 22, 1912, he was granted an absolute pardon. His sentence would have expired two days later, and the granting of a pardon in this case operated merely to restore citizenship.

Mary Huebner: convicted before the circuit court for Price County on the 14th day of January, 1904, of the crime of murder in the first degree, and sentenced to the state prison at Waupun for the term of her natural life. On November 12, 1912, she was granted an absolute pardon for the reason that there was doubt as to whether the woman was really guilty of murder in the first degree, the evidence tending to show that at the time the offense was committed the woman was delirious and was probably not responsible for her act. The certificate of the prison physician showed, too that she suffered from tumor and dropsy, and that at best she had only about one year to live. Her pardon was earnestly urged by the trial judge, the district attorney and by Miss Katherine Williams, member of the State Board of Control.

John T. Brogan: convicted before the county court for Price County on the 27th day of March, 1911, of the crime of non-support, and sentenced to the state prison at Waupun for the term of one year. On February 19, 1912, he was granted an absolute pardon, for the reason that his sentence would have expired in ten days, a reconciliation with his wife had been effected, and the punishment imposed had proved sufficient. Brogan had been on parole since December 20, 1911, and pardon in this case acted merely as a restoration to citizenship.

ABSOLUTE PARDON FROM THE WISCONSIN INDUSTRIAL SCHOOL FOR BOYS.

Fred Howell: convicted before the circuit court for Monroe County on the 1st day of October, 1909, of the crime of burglary in the night time, and sentenced to the Wisconsin Industrial School for Boys for the full period of his minority. On January 30, 1911, he was granted an absolute pardon, on the request and recommendation of the trial judge and of the district attorney.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor.

June 11, 1913.

COMMITTEE REPORT.

the joint committee on Finance report and recommend:

o. **487, S.**,
 substitute amendment No. 1, S., and passage.
 o. **533, S.**,
 o. **540, S.**, and
 o. **563, S.**,
 passage.

G. E. SCOTT,
 Chairman, Senate Committee.

R. J. NYE,
 Chairman, Assembly Committee.

the committee on Education and Public Welfare report and
 commend:

o. **67, S.**,
 adoption of amendment No. 1, S., and passage.
 o. **51, S.**,
 definite postponement, Senator Teasdale dissenting.
 o. **400, S.**, and
 o. **41, S.**,
 definite postponement.
 o. **574, S.**,
 passage.
 o. **19, A.**,
 adoption of amendment No. 1, S., and concurrence.
 o. **384, A.**,
 non-concurrence, Senator Ackley dissenting.
 o. **863, A.**,
 non-concurrence.
 o. **46, A.**,
 concurrence, Senators H. C. Martin and Hoyt dissenting.
 o. **245, A.**,
 concurrence.

HOWARD TEASDALE,
 Chairman.

the committee on Corporations report and recommend:

o. **551, S.**,
 passage.
 o. **549, S.**,
 definite postponement.
 o. **567, S.**,
 adoption of amendment No. 1, S., and passage.

OTTO BOSSHARD,
 Chairman.

CONFERENCE COMMITTEE REPORT.

The conference committee appointed by the senate and assembly on bill No. **409, S.**, hereby report and recommend that the senate recede from its position of amendment No. 1, S., to the substitute amendment No. 1, A.

PAUL O. HUSTING,
M. F. WHITE,
GABRIEL ZOPHY,
Senate Committee,
JOHN CHINNOCK,
JUDSON HALL,
E. H. ZINN,
Assembly Committee.

The report of the committee of conference was adopted and the senate receded from its position on amendment No. 1, S., to the substitute amendment No. 1, A.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has receded from its position on amendment No. 1, S., to the substitute amendment No. 1, A.

No. **797, A.**

ASSEMBLY MESSAGE CONSIDERED.

No. **797, A.**

Upon request of Senator Scott, and with unanimous consent of the assembly,

All action taken by the senate on the bill was reconsidered and the senate ordered messaged to the assembly at once.

SPECIAL ORDER.

No. **391, S.**

A bill to create section 1548—1m of the statutes, relating to the granting of licenses for retail traffic in intoxicating liquors, and the transfer thereof.

Senator Skogmo offered substitute amendment No. 2, S.

Senator Ackley moved that all rules interfering be suspended and the amendment be considered at this time.

The ayes and noes were required, and the vote was: Ayes, 22; noes, 6; paired, 2; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Richards, Scott, Stevens, Tomkins, True, and Zophy—22.

yes—Senators Perry, Randolph, Snover, Teasdale, Weigel, White—6.

Ordered—Senator Weissleder for bill and substitute amendment, for Glenn against bill and substitute amendment—2.

Absent or not voting—Senators Bishop and Burke—2.

And so the rules were suspended.

Senator Richards offered amendment No. 1, S., to substitute amendment No. 2, S.,

which amendment was adopted.

Senator Ackley moved that the substitute amendment be rejected.

The yeas and noes were demanded, and the vote was: Ayes, 17; noes, 12; paired, 2; absent or not voting, 1, as follows:

Yeas—Senators Ackley, Albers, Bichler, Burke, Cunningham, Huber, Husting, Kellogg, Martin A. E., Perry, Richards, Stevens, Tomkins, Weigle, and White—17.

Noes—Senators Bosshard, Culbertson, Glenn, Kileen, Martin A., Monk, Randolph, Scott, Skogmo, Teasdale, True, and Zophy—12.

Ordered—Senator Weissleder for the bill, Senator Linley against bill—2.

Absent or not voting—Senator Bishop—1.

And so the substitute amendment was rejected.

Senator Skogmo offered substitute amendment No. 3, S.

Senator Ackley moved that all rules interfering be suspended, the amendment be considered at this time.

The yeas and noes were required, and the vote was: Ayes, 26; noes, 3; paired, 2; absent or not voting, 1, as follows:

Yeas—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Martin, Martin A. E., Martin H. C., Monk, Perry, Richards, Skogmo, Snover, Stevens, Tomkins, True, Weigle, and Zophy—26.

Noes—Senators Randolph, Teasdale, and White—3.

Ordered—Senator Weissleder for bill, Senator Linley against bill—2.

Absent or not voting—Senator Bishop—1.

And so the rules were suspended.

Senator Ackley moved that the amendment be rejected.

The yeas and noes were demanded, and the vote was: Ayes, 15; noes, 14; paired, 2; absent or not voting, 1, as follows:

Yeas—Senators Ackley, Albers, Bichler, Burke, Cunningham, Huber, Husting, Kellogg, Perry, Richards, Snover, Stevens, Tomkins, and White—15.

Noes—Senators Bosshard, Culbertson, Glenn, Kileen, Martin A., Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Weigle, and Zophy—14.

Ordered—Senator Weissleder for the bill; Senator Linley against bill—2.

Absent or not voting—Senator Bishop—1.
And so the amendment was rejected.

Senator Skogmo offered substitute amendment No. 4.
Senator Ackley rose to a point of order, that Senator is using dilatory tactics.

The president held the point not well taken,
Senator Tomkins moved that all rules interfering be and the amendment be considered at this time.

The ayes and noes were required, and the vote was:
noes, 5; paired, 2; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Hoyt, Huber, Husting, Kellogg, Kile, A. E., Martin H. C., Monk, Perry, Richards, Scott, Snover, Stevens, Tomkins, True, Weigle, and Zophy—16.

Noes—Senators Bosshard, Glenn, Randolph, Teasdale, White—5.

Paired—Senator Weissleder for the bill, Senator Lin the bill—2.

Absent or not voting—Senator Bishop—1.
And so the rules were suspended.

Senator Husting offered amendment No. 1, S., to amendment No. 4, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was:
16; noes, 13; paired, 2; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Burke, Cunningham, Huber, Husting, Kellogg, Martin A. E., Perry, Richards, Stevens, Tomkins, White and Zophy—16.

Noes—Senators Bichler, Bosshard, Culbertson, Glenn, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale and Weigle—13.

Paired—Senator Weissleder for bill, Senator Lin the bill—2.

Absent or not voting—Senator Bishop—1.
And so the amendment was adopted.

Senator Ackley offered amendment No. 2, S., to amendment No. 4, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was:
noes, 22; paired, 2; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Bichler, Burke, Cunningham, Richards, and Snover—7.

Noes—Senators Albers, Bosshard, Culbertson, Glenn, Huber, Husting, Kellogg, Kileen, Martin A. E., Ma, Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, True, Weigle, White, and Zophy—22.

aired—Senator Weissleder for the bill, Senator Linley against
—2.

present or not voting—Senator Bishop—1.

and so the amendment was refused adoption.

substitute amendment No. 4, S., was adopted.

S. 391, S., as amended,

was ordered engrossed and read a third time.

upon request of Senator Bosshard,

all rules interfering were suspended, with unanimous consent,
the bill was placed upon its final passage at this time.

S. 391, S.,

was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 23;
6; paired, 2; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Cul-
son, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen,
Lin A. E., Martin H. C., Richards, Scott, Skogmo, Stevens,
Tins, True, Weigle, White, and Zophy—23.

Noes—Senators Glenn, Monk, Perry, Randolph, Snover, and
Waldale—6.

aired—Senator Weissleder for the bill, Senator Linley against
bill—2.

present or not voting—Senator Bishop—1.

and so the bill was passed.

Senator Ackley moved that the vote by which the bill was
passed be reconsidered,
which motion was lost.

S. 34, S.

Senator Skogmo offered substitute amendment No. 2, S.

and laid over under the rules.

ADJOURNMENT.

Upon motion of Senator Skogmo,
the senate adjourned.

BILLS FOR REVISION.

The committee on State Affairs filed one bill for revision and
the committee on Corporations filed one bill for revision at the
chief clerk's desk.

CHIEF CLERK'S REPORT.

The chief clerk records:

S. 389, S.,

correctly engrossed.

THURSDAY, JUNE 1

10:00 O'C

The senate met.

The president in the chair.

Prayer was offered by the Rev. J. W. Davies.

The roll was called and the following senators answered names:

Senators Ackley, Albers, Bichler, Bosshard, Burkeson, Cunningham, Glenn, Hoyt, Huber, Hustings, Kileen, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, White, and Zophy—28.

Absent—Senators Linley and Perry—2.

Absent with leave—Senators Bishop and Weissleder.

The journal of yesterday was approved.

MOTIONS.

No. 188, S.

Upon motion of Senator Richards,

Recalled from the committee on State Affairs and re-committed on Judiciary.

No. 103, S.,

A bill to revise chapter 113 of the statutes relating to circuit courts; to create section 94t—1 and 2425; to amend paragraphs (2), (3), (4) and (5) of subsection 12 170 and sections 171, 1215—29, 1218—28, 1222—28, 204810, 4811 and paragraph (3) of section 4813 of the statutes; to repeal sections 2423b, 2423c, 2423d and 2429 of the statutes; the following chapters of the Wisconsin Session Laws: chapter 107 of Private and Local Laws of 1867, chapter 226 of 1868, chapter 1 of 1883, chapter 377 of 1897, chapter 2 of 1900, chapters 138 and 414 of 1901, chapter 2 of 1903, chapters 520 of 1905, chapters 559 and 645 of 1907 and chapter 1909.

With motion of Senator Kileen, and with unanimous consent,
Was taken up at this time.

Amendment No. 1, A.,

Amendment No. 2, A.,

Amendment No. 4, A., and

Amendment No. 5, A.,

Upon unanimous consent, the amendments were considered together.

The question was, Shall the amendments be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23;

8, 2; paired, 2, absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Randolph, Skogmo, Snover, Stevens, Teasdale, True, White, and Zophy—23.

Noes—Senators Richards and Weigle—2.

Paired—Senator Tomkins for the bill; Senator Linley against bill—2.

Absent or not voting—Senators Bishop, Glenn, Perry, Scott, Weissleder—5.

And so the amendments were concurred in. ~~=====~~ ~~=====~~

Upon request of Senator Kileen,

All rules interfering were suspended with unanimous consent, the bill was ordered messaged to the assembly at once.

Upon request of Senator Kileen,

All rules interfering were suspended, with unanimous consent, introduce and place upon final passage at this time,

To. **584, S.,**

A bill to create section 113.075 of the statutes, providing for additional compensation to circuit court judges in counties constituting an entire judicial circuit, and having three hundred thousand or more population,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22, 8, 3; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, and White—22.

Noes—Senators Culbertson, Teasdale, and Zophy—3.

Absent or not voting—Senators Bishop, Burke, Glenn, Linley, Martin H. C., Perry, and Weissleder—7.

And so the bill was passed.

Upon request of Senator Kileen,

All rules interfering were suspended with unanimous consent, the bill was ordered messaged to the assembly at once.

Upon motion of Senator White, and with unanim
No. **34, S.**,

No. **41, S.**, and

Jt. Res. No. 50, S.,

Were ordered placed upon the calendar for Wednesday, June 19, 1913.

Upon request of Senator Richards, and with unanim
the vote by which No. **397, S.**, was laid over until
June 18, 1913, was reconsidered, and the bill was laid
Tuesday, June 17, 1913.

YESTERDAY'S CALENDAR.

BILLS AND RESOLUTIONS TO BE ORDERED READING.

Read second time.

No. **490, A.**

Amendment No. 1, S., adopted.

Senator Glenn offered amendment No. 2, S.,

Which amendment was adopted.

Ordered to a third reading.

Upon motion of Senator Randolph,

All rules interfering, were suspended with unanim
and the bill was placed upon its concurrence at this ti

No. **490, A.**,

A bill to amend section 1459m of the statutes, relat
aid to poultry associations and making an appropriati

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was
noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bossh
Culbertson, Cunningham, Hoyt, Huber, Husting, K
tin A. E., Martin H. C., Monk, Randolph, Rich
Skogmo, Snover, Stevens, Teasdale, Tomkins, Tru
White, and Zophy—28.

Noes—None.

Absent or not voting—Senators Bishop, Glenn, K
ley, Perry, and Weissleder—6.

And so the bill was concurred in.

Upon request of Senator Randolph,

All rules interfering were suspended with unanimous

The bill was ordered messaged to the assembly at o

No. **635, A.**

Upon request of Senator Teasdale,

Re-referred to committee on Education and Public

o. 661, A.

Upon motion of Senator Weigle,
aid over until Thursday, June 19, 1913.

o. 369, A.

Upon motion of Senator Skogmo,
aid over until Wednesday, June 18, 1913.

o. 107, A., and

o. 219, A.,

Were each severally non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

o. 485, S.,

bill to create section 959—300 of the statutes, with refer-
to tracks for street railways laid by cities upon and along
ges and viaducts within such cities and authorizing cities to
the same.

Senator Bosshard, with unanimous consent, offered amendment
4, S.,

Which amendment was adopted.

The bill was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 24;
, 2; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke,
bertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen,
tin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo,
ver, Stevens, Tomkins, True, Weigle, and White—24.

Noes—Senators Teasdale and Zophy—2.

Absent or not voting—Senators Bishop, Glenn, Linley, Perry,
ards, and Weissleder—6.

And so the bill was passed.

o. 552, S.,

Senator A. E. Martin, with unanimous consent, offered substi-
amendment No. 1, S.

Aid over under the rules.

o. 569, S.,

bill to repeal subsections 2, 3 and four of section 209 of the
ates, and to renumber subsections 5 and 6 of section 209 to be
ections 2 and 3, relating to the sale of public lands.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 26;
, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke,
bertson, Cunningham, Hoyt, Huber, Husting, Kellogg,
en, Martin A. E., Martin H. C., Monk, Randolph, Scott,

Skogmo, Snover, Stevens, Teasdale, Tomkins, True, White, and Zophy—26.

Noes—None.

Absent or not voting—Senators Bishop, Glenn, Linley, Richards, and Weissleder—6.

And so the bill was passed.

No. 583, A.,

A bill to amend section 925d of the statutes, and to sections 925d—1, and 925d—2, relating to the sprinkling in villages.

Senator A. E. Martin, with unanimous consent, offered No. 1, S.

Senator Zophy moved that the amendment be rejected.

The ayes and noes were demanded, and the vote was noes, 5; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Bosshard, Cunningham, Kellogg, Kileen, Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—11.

Noes—Senators Bichler, Burke, Culbertson, Martin, and Snover—5.

Absent or not voting—Senators Albers, Bishop, Glenn, Hustling, Linley, Martin H. C., Perry, Richards, and Weissleder—10.

And so the amendment was rejected.

The bill was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: noes, 8; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Kellogg, Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, White, and Zophy—17.

Noes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Martin A. E., and Snover—8.

Absent or not voting—Senators Bishop, Glenn, Hustling, Martin H. C., Perry, and Weissleder—7.

And so the bill was concurred in.

No. 1014, A.,

Was read a third time, and concurred in.

No. 1075, A.,

Upon request of Senator A. E. Martin, and with consent,

Re-referred to committee on Corporations.

No. 1147, A.,

A bill to amend subsection 1 of section 1728c, subsection 1 of section 1728d and (2) of section 2394—52 of the statutes, relating to child

Was read a third time.

The question was, Shall the bill be concurred in?

e ayes and noes were required, and the vote was: Ayes, 23;
none; absent or not voting, 9, as follows:

es—Senators Ackley, Albers, Bichler, Bosshard, Burke,
ertson, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin
L. Monk, Richards, Scott, Skogmo, Snover, Teasdale,
ins, True, Weigle, White, and Zophy—23.
es—None.

sent or not voting—Senators Bishop, Glenn, Hustling,
y, Martin H. C., Perry, Randolph, Stevens, and Weiss—
9.

d so the bill was concurred in.

e president called the president pro tempore to the chair.

PLACED AT FOOT OF CALENDAR.

S. 131, A.,

Senator A. E. Martin, with unanimous consent, withdrew his
on to reconsider the vote by which the bill was ordered to a
reading.

on request of Senator Bosshard,

rules interfering were suspended, with unanimous consent,
he bill was placed upon its concurrence at this time.

S. 131, A.,

is read a third time, and concurred in.

TODAY'S CALENDAR.

MOTIONS.

Senator Hustling moved that the vote by which No. **569, S.,**
passed be reconsidered, and that the motion lay over until
ay, June 16, 1913.

which motion prevailed.

on motion of Senator Hustling,

S. 567, S.,

is taken from the calendar of Friday, June 13, and re-referred
e committee on Corporations,

on motion of Senator Weigle,

S. 201, S.,

is ordered placed upon next Wednesday's, June 18, calendar.

on motion of Senator Bichler,

S. 552, S.,

is ordered placed upon next Tuesday's, June 17, 1913, calen-

e committee on Legislative Procedure report and recommend
roduction bill bearing revision number 617.

H. C. MARTIN,

Chairman.

The bill was read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **585, S.** (Revision No. 617). By Committee on Finance. To committee on Finance.

PETITIONS.

Pet. No. 654, S. By Senator Stevens. To committee on Finance.

Pet. No. 655, S. By Senator Perry. To committee on Finance.

Pet. No. 656, S. By Senator Perry. To special committee on Insurance.

Pet. No. 657, S. By Senator Bichler. To committee on Finance.

Pet. No. 658, S. By Senator Kellogg. To committee on Insurance.

Pet. No. 659, S. By Senator Kellogg. To special committee on Insurance.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **228, S.**

Upon motion of Senator Huber,

Laid over until Wednesday, June 18, 1913.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

No. **383, A.,**

No. **691, A.,**

No. **788, A.,**

No. **964, A.,**

No. **966, A.**

Has concurred in substitute amendment No. 2, S., to
No. **418, A.**

Has concurred in substitute amendment No. 1, S., to
No. **1152, A.**

Has concurred in

Jt. Res. No. 52, S.,

No. **270, S.**,

No. **517, S.**,

No. **519, S.**,

No. **520, S.**,

No. **524, S.**,

No. **530, S.**,

No. **531, S.**,

No. **532, S.**,

No. **538, S.**

Has amended, and concurred in, as amended,

No. **201, S.**,

No. **341, S.**

Has non-concurred in

No. **273, S.**, and

No. **528, S.**

Has concurred in amendment No. 2, S., to

No. **546, A.**

Recalled from the governor, amended, and passed, as amended,

No. **296, A.**, and

No. **361, A.**

Passed, and asks concurrence in,

No. **512, A.**, and

No. **808, A.**,

Concurred in,

No. **83, S.**,

No. **121, S.**,

No. **206, S.**,

No. **295, S.**,

No. **516, S.**, and

Amended, and concurred in, as amended,

No. **143, S.**, and

No. **294, S.**

Refused to order to a third reading,

No. **441, S.**

Refused to concur in,

No. **480, S.**

Has concurred in amendment No. 1, S., to amendment No. 1,

to No. **514, S.**

Has passed, and asks concurrence in,

No. **728, A.**

Adopted and asks concurrence in,

Jt. Res. No. 90, A.

ASSEMBLY MESSAGE CONSIDERED

Jt. Res. No. 90, A.

Relating to the death of Hon. Frederick Scheiber.

WHEREAS, The Hon. Frederick Scheiber, formerly the assembly of the Wisconsin legislature, died at Wisconsin, June, 10, 1913, and,

WHEREAS, The said Frederick Scheiber was a lawyer, a man of great ability and prominent as a civic worker, a man of many qualities and a leading and respected citizen of his community, a member of the assembly in 1883; now, therefore, be

Resolved by the assembly, the senate concurring, That the death of the Hon. Frederick Scheiber, the state and his family have lost one of its most useful citizens and a man whose life and career may well be an inspiration to others and who will ever remain a cherished memory to his family and friends; and be it further

Resolved, That this resolution be entered on the journal of this day and that a suitable copy be engrossed, signed by the proper officers of each house, and be sent to the family of the Hon. Frederick Scheiber.

Concurred in by a unanimous rising vote.

Read first time and referred.

No. **728, A.** To special committee on Conservation.

No. **512, A.** To committee on Judiciary.

No. **808, A.** To committee on Corporations.

MOTIONS CONSIDERED.

Jt. Res. No. 87, A.

Upon motion of Senator Bosshard,

Referred to committee on Legislative Procedure.

BILLS AND RESOLUTIONS READY FOR ENACTMENT.

Read second time.

No. **504, S.,**

No. **506, S.,**

No. **541, S.,**

No. **542, S.,**

No. **576, S.,** and

No. **577, S.,**

Were each severally ordered engrossed and read a third time.

No. **575, S.**

Upon motion of Senator Biehler,

Laid over until Wednesday, June 18, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **137, A.**

Upon motion of Senator A. E. Martin,
Laid over until Wednesday, June 18, 1913.

No. **1047, A.**

Substitute amendment No. 1, S., adopted.
Ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **318, S.,**

Substitute amendment No. 2, S., adopted.
Read third time, and passed.

No. **372, A.,**

Upon motion of Senator Ackley,
Laid over until Wednesday, June 18, 1913.

No. **397, A.,**

No. **1104, A.**

No. **1120, A.,** and

No. **1148, A.,**

Were each severally read a third time, and concurred in.

821, A.,

A bill to establish a dock line on the shore of Lake Monona, for
improvement of navigation, for the benefit of the public
health, and for the removal of a public nuisance,
Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20;
Nays, none; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Culbertson, Cunn-
ingham, Glenn, Hoyt, Huber, Kellogg, Martin A. E., Martin
C., Monk, Richards, Scott, Skogmo, Teasdale, Tomkins,
Wiggle, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Albers, Bishop, Burke, Husting,
Keen, Linley, Perry, Randolph, Snover, Stevens, True, and
Wissleder—12.

And so the bill was concurred in.

No. **794, A.**

Upon motion of Senator Culbertson,
Was non concurred in.

No. **870, A.**

Upon motion of Senator Kileen,
Ordered placed upon Tuesday's, June 17, calendar.

No. 1126, A.,

Upon motion of Senator H. C. Martin,
Laid over until Tuesday, June 17, 1913.

Jt. Res. No. 38, A.

Upon motion of Senator Kileen,
Laid over until Tuesday, June 17, 1913.

LEAVE OF ABSENCE.

Upon request of Senator Zophy,
Leave of absence was granted to Senator Stevens until
June 17, 1913.

Upon request,

Leave of absence was granted to Senators A. E. Ma
Cunningham, White, Monk, and Kileen until Tuesday,
and to Senator Culbertson until Wednesday, June 18, 1913.

RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 4:30 o'clock p. m.

BILLS FOR REVISION.

The committee on Corporations filed one bill for revision
clerk's desk.

4:30 O'CLOCK

The senate was called to order by the president pro tempore

MOTIONS.

Upon request of Senator Teasdale,
All rules interfering, were suspended with unanimous
to introduce a bill and place upon final passage at this time.

No. 586, S.,

A bill to amend section 425 of the statutes, as amended by
chapter 448 laws of 1913, relating to the date of holding
school district meeting.

Was read a third time, and passed.

Upon request of Senator Teasdale,

All rules interfering, were suspended with unanimous
and the bill was ordered messaged to the assembly at once.

Upon request of Senator Scott, and with unanimous consent,
No. **728, A.**, was recalled from the special committee on con-
servation and ordered placed upon the calendar for Thursday, June
, 1913.

Upon request and with unanimous consent,
The calendar for Friday, June 13, 1913, was taken up at this
meeting.

The committee on Legislative Procedure report and recommend
the introduction of bills bearing the following revision numbers:
Nos. 616, 618.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the
committee stood as the order of the senate.

BILLS INTRODUCED.

- No. **587, S.** (Revision No. 616). By Committee on Corpora-
tions. To committee on Corporations.
No. **588, S.** (Revision No. 618). By Committee on Corpora-
tions. To committee on Corporations.

PETITIONS.

- et. No. 660, S. By Senator Burke. To special committee on
Insurance.
et. No. 661, S. By Senator Monk. To special committee on
Insurance.

COMMITTEE REPORT.

The committee on Corporations report and recommend:
No. **567, S.**,
Adoption of substitute amendment No. 2, S., and passage.

OTTO BOSSHARD,
Chairman.

The committee on State Affairs report and recommend:
No. **582, S.**,
Passage.
Jt. Res. No. 57, S.,
Adoption.
No. **158, A.**,

Non-concurrence.

No. **543, A.**, and

No. **866, A.**,

Concurrence.

No. **961, A.**,

Non-concurrence. Senator Zophy dissenting.

M. F. W

FRIDAY'S CALENDAR.

BILLS AND RESOLUTIONS READY FOR MENT.

No. **51, S.**, and

No. **67, S.**,

Upon motion of Senator Teasdale,

Laid over and made a special order for 7:30 o'clock
nesday, June 18, 1913.

No. **487, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **533, S.**,

No. **540, S.**,

No. **551, S.**,

No. **563, S.**, and

No. **574, S.**,

Were each severally ordered engrossed and read a

Upon request of Senator Teasdale,

All rules interfering were suspended with unanim
and No. **574, S.**, was placed upon its final passage a

No. **574, S.**,

Was read a third time and passed.

No. **400, S.**

Substitute amendment No. 1, S., refused adoption.

The bill was indefinitely postponed.

No. **549, S.**

Upon motion of Senator Bosshard,

Laid over until Tuesday, June 17, 1913.

BILLS AND RESOLUTIONS TO BE ORDERED READING.

No. **19, A.**

Amendmnt No. 1, S., adopted.

Ordered to a third reading.

No. **46, A.**

Upon motion of Senator Ackley,

Laid over until Tuesday, June 17, 1913.

No. **245, A.**

Ordered to a third reading.

No. **384, A.**

Upon motion of Senator Tomkins,
Laid over until Wednesday, June 18 1913.

No. **863, A.**

Upon motion of Senator Huber,
Laid over until Tuesday, June 17, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **389, S.**

Senator Kileen with unanimous consent offered amendment No.
S.

Which amendment was adopted.

The bill, was read a third time, and passed.

No. **170, A.,**

Upon motion of Senator Tomkins,
Ordered placed upon the calendar for Wednesday, June 18,
1913.

MOTIONS.

Upon motion of Senator Ackley,

The vote by which No. **46, A.,** was laid over until Tuesday,
June 17, 1913, was reconsidered.

Upon motion of Senator Teasdale,

The bill was laid over over until Tuesday, June 17, 1913.

Senator Ackley asked unanimous consent to move reconsideration
of the vote by which No. **397, A.,** was concurred in, and
that the motion lay over until Wednesday, June 18, 1913.

Which request was refused.

Senator Ackley then moved that the vote by which No. **397,**
was concurred in, be reconsidered.

Division was called for, and the motion prevailed.

Upon motion of Senator Ackley,

Further consideration of the motion was deferred until Wednesday,
June 18, 1913.

Upon motion of Senator Bosshard,

The vote by which No. **46, A.,** was laid over until Tuesday,
June 17, 1913, was reconsidered.

Upon motion of Senator Scott.

No. **46, A.,**

Was non-concurred in.

Senator Scott moved that the vote by which No. **46, A.,** was
non-concurred in be reconsidered

Which motion was lost.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Scott until June 16, and to Senator Ackley until Thursday, June

ADJOURNMENT.

Upon motion of Senator Monk,
The senate adjourned.

RESOLUTIONS FOR REVISION.

Senator Burke filed one joint resolution for revision at the clerk's desk.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **21, S.**,

No. **58, S.**, and

No. **507, S.**,

Correctly enrolled at 5:05 o'clock p. m., and

No. **450, S.**,

No. **488, S.**,

No. **489, S.**,

No. **494, S.**,

No. **500, S.**,

No. **510, S.**, and

No. **526, S.**

Correctly enrolled at 5:40 o'clock p. m.

FRIDAY, JUNE 13, 1913.
10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. J. W. Davies.

Upon motion of Senator Tomkins,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

MOTIONS.

Senator Hoyt moved that the vote by which No. 794, A., was non-concurred, be reconsidered, and that the motion be placed on calendar for Tuesday, June 17, 1913.

Which motion prevailed.

COMMITTEE REPORT.

The committee on Education and Public Welfare report and recommend:

No. 824, A.,

Concurrence, Senators Albers and Perry dissenting.

No. 559, S.,

Adoption of amendment No. 1, S., and passage, and rereference to committee on Finance.

HOWARD TEASDALE,

Chairman.

No. 559, S.,

Was re-referred to committee on Finance.

The committee on Judiciary report and recommend:

No. 562, S., and

No. 570, S.,

Passage.

Jt. Res. No. 55, S.,

Adoption.

Jt. Res. No. 24, S.,
Indefinite postponement.
Jt. Res. No. 31, A.,
Non-concurrence.

A. PEARCE TOMLINSON
Acting

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned until Monday, June 16, 1908,
6 o'clock p. m.

The chief clerk, under rule 32, made the following
report to bill No. 542, S.:

Re-number subdivisions 2, 3, and 4, of section 1 to
2 and 3, respectively.

CHIEF CLERK'S REPORT.

The chief clerk records:
No. 487, S., and
No. 542, S.,
Correctly engrossed.

MONDAY, JUNE 16, 1913.

9:00 O'CLOCK P. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Father H. C. Hengell of St. Paul's university chapel of Madison, Wis.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of Friday, June 13, 1913, was approved.

Upon motion of Senator Bosshard, and with unanimous consent Rule 11 was suspended for this session.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 59, S.

Resolved by the senate, the assembly concurring, That the governor be requested to return bill No. **481, S.**, for correction.

By Senator Bosshard.

Adopted.

The committee on Legislative Procedure report and recommend for introduction, bill bearing revision No. 619.

H. C. MARTIN,

Chairman.

The bill was read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

S. 589, S. (Revision No. 619.) By Senator Tomkins. To committee on Judiciary.

PETITIONS.

- Pet. No. 662, S. By Senator H. C. Martin. To com
Education and Public Welfare.
- Pet. No. 663, S. By Senator H. C. Martin. To com
Education and Public Welfare.
- Pet. No. 664, S. By Senator H. C. Martin. To spec
mittee on Insurance.
- Pet. No. 665, S. By Senator H. C. Martin. To spe
mittee on Insurance.

COMMITTEE REPORT.

The joint committee on Finance report and recommend
No. **85, S.**,
Substitute amendment No. 1, S., and passage, Mr. I
senting.
No. **89, S.**, and
No. **301, S.**,
Indefinite postponement.
No. **452, S.**,
Amendment No. 1, S., and passage.
No. **544, S.**,
Amendment No. 1, S., and passage.
No. **890, A.**,
Rejection of amendment No. 1, S., and concurrence.
G. E. SCOT
Chairman of Senate Com
R. J. NYE,
Chairman of Assembly Com

The committee on Judiciary report and recommend:
No. **206, A.**,
Concurrence, Senators Tomkins and Husting dissenting
A. PEARCE TOMKIN
Acting Cha

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:
I am directed to inform you that the assembly has c
in
No. **586, S.**
And has concurred in report of committee of conference
No. **409, S.**

Has concurred in substitute amendment No. 1, S., to
No. **227, A.**

Has concurred in substitute amendment No. 1, S., to
No. **614, A.**

Has non-concurred in amendment No. 1, S., to
No. **1180, A.**

Has passed, and asks concurrence in,
No. **790, A.,**

No. **839, A.,**

No. **1005, A.,**

No. **1146, A.,** and

No. **1168, A.**

Has concurred in

No. **534, S.,**

No. **545, S.,**

No. **546, S.**

Has refused concurrence in
t. Res. No. 58, S.

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **790, A.** To committee on Corporations.

No. **839, A.** To committee on Education and Public Welfare.

No. **1005, A.** To committee on Corporations.

No. **1146, A.** To committee on Corporations.

No. **1168, A.** To committee on Education and Public Wel-
e.

No. **143, S.**

Amendment No. 1, A., concurred in.

Amendment No. 2, A., concurred in.

No. **296, A.**

Senator Teasdale, with unanimous consent, moved that the vote
which the bill was concurred in, be reconsidered,

Which motion prevailed.

Amendment No. 2, A., concurred in.

The bill, as amended, was concurred in.

No. **361, A.**

Senator Tomkins, with unanimous consent, moved that the vote
which the bill was concurred in, be reconsidered,

Which motion prevailed.

Amendment No. 1, A., concurred in.

The bill, as amended, was concurred in.

MOTIONS CONSIDERED.

No. **569, S.**

Motion to reconsider vote by which the bill was passed
lost.

BILLS AND RESOLUTIONS READY FOR EN
MEN'T.

Read second time.

No. **567, S.**

Amendment No. 1, S., adopted.

Substitute amendment No. 2, S., adopted.

Ordered engrossed and read a third time.

The chief clerk under rule 82, made the following
to bill No. **582, S.**:

Amend the title of the printed bill by inserting after
"statutes" where it occurs in the second line thereof
"and to amend section 1636-131m of the statutes."

No. **582, S.**

Senator Teasdale offered amendment No. 1, S.,

Which amendment was adopted.

Ordered engrossed and read a third time.

Upon motion of Senator Teasdale, and with unanimous

All rules interfering were suspended, and the bill
upon its final passage at this time.

The bill was read a third time, and passed.

Jt. Res. No. 57, S.

Ordered engrossed and read a third time.

Upon motion of Senator Bosshard,

All rules interfering were suspended with unanimous

The resolution was placed upon its adoption at this

The resolution was read a third time and adopted.

BILLS AND RESOLUTIONS TO BE ORDERED T
READING.

Read second time.

No. **543, A.**

Ordered to a third reading.

No. **866, A.**

Senator Teasdale offered amendment No. 1, S.,

Which amendment was adopted.

Ordered to a third reading.

No. **158, A.**, andNo. **961, A.**,

Non-concurred in

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

S. 506, S.,
S. 541, S.,
S. 551, S., and
S. 577, S.,
were each severally read a third time, and passed.
S. 19, A., and
S. 245, A.,
were each severally read a third time, and concurred in.
S. 563, S., and
S. 1047, A.,
were laid over until Wednesday, June 18, 1913.

LEAVE OF ABSENCE

Upon request of Senator Glenn,
leave of absence was granted to Senator Kellogg until Mon-
day, June 23, 1913.

ADJOURNMENT.

Upon motion of Senator Teasdale,
the senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

S. 268, S.,
S. 449, S.,
S. 478, S.,
S. 511, S., and
S. 522, S.,
correctly enrolled at 2:30 o'clock p. m.

TUESDAY, JUNE
10:00 O'CL

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Father H. C. Heng

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

PETITIONS.

Pet. No. 666, S. By Senator Huber. To special com
Insurance.

Pet. No. 667, S. By Senator Kellogg. To special com
Insurance.

COMMITTEE REPORTS.

The joint committee on Finance report and recommen
No. **297, S.**, and

No. **479, S.**,

Indefinite postponement.

G. E. SCOTT

Chairman of Senate Com

R. J. NYE

Chairman of Assembly Com

The special committee on Insurance report and recommen

No. **556, S.**,

No. **555, S.**,

Passage.

G. E. SCOTT

C

EXECUTIVE COMMUNICATION.

to the Honorable, the Senate:

Pursuant to the provisions of Joint Resolution Number 59, S.,
return herewith, for the purpose of correction, bill number
31, S.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor.

June 17, 1913.

No. **481, S.**,
Was ordered re-enrolled.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

R. PRESIDENT:

I am directed to inform you that the assembly has concurred

Jt. Res. No. 59, S., and
No. **487, S.**

No. **294, S.**,

A bill to authorize the erection, construction and maintenance of
free wagon bridge across the Wisconsin river in the counties of
Sauk and Columbia at or near the village of Merrimac, Sauk
County, Wisconsin, and to make the state park at Devils Lake more
accessible, and making an appropriation therefor.

Amendment No. 1, A.

The question was, Shall the amendment be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21;
noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Cunningham, Hoyt,
Huber, Kellogg, Martin A. E., Martin H. C., Monk, Randolph,
Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, True,
Weissleder, White, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Culbertson,
Glenn, Husting, Kilean, Linley, Perry, Stevens, and Weigle—11.

And so the amendment was concurred in.

No. **341, S.**,

A bill to appropriate to certain persons the amounts therein
provided, being a repayment of the license fees for pound net li-
censes issued pursuant to section 4560a—40 of the statutes.

Amendment No. 1, A.

The question was, Shall the amendment be concurred in?

The ayes and noes were required, and the vote was: noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Bosshard, C Hoyt, Huber, Kellogg, Kileen, Martin A. E., Mar Monk, Randolph, Richards, Scott, Skogmo, Stevens Tomkins, True, Weissleder, White, and Zophy—22

Noes—None.

Absent or not voting—Senators Ackley, Bishop Culbertson, Glenn, Husting, Linley, Perry, Snover, —10.

And so the amendment was concurred in.

MOTIONS CONSIDERED.

No. 794, A.,

A bill to create section 392eg of the statutes, relating to the establishment of a branch agricultural experiment station on sandy type of soils prevailing in the central portion and making an appropriation.

The question was, Shall the vote by which the bill was concurred in be reconsidered?

The ayes and noes were demanded, and the vote was: noes, 14; absent or not voting, 9, as follows:

Ayes—Senators Bichler, Bosshard, Hoyt, Kellogg, Richards, Tomkins, White, and Zophy—9.

Noes—Senators Albers, Cunningham, Huber, Lin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo Teasdale, True, and Weissleder—14.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Glenn, Husting, Perry, Stevens and Weig

And so the senate refused to reconsider the vote.

BILLS AND RESOLUTIONS READY FOR ENACTMENT.

Read second time.

No. 397, S.

Upon request of Senator Richards, and with unanimous consent, Laid over until Wednesday, June 18, 1913.

No. 562, S.,

No. 570, S., and

Jt. Res. No. 55, S.,

Were each severally ordered engrossed and read a third time.

No. 549, S.,

A bill to amend section 1909s, of the statutes, relating to the operation of trains on railroads and regulating the crews.

Senator Bosshard moved that the bill be laid over until Wednesday, June 19, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 13;
12; absent or not voting, 7, as follows,

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Linley, Monk,
Randolph, Richards, Scott, Skogmo, Tomkins, True, and Zophy

Noes—Senators Albers, Bichler, Cunningham, Kellogg, Kileen,
Martin A. E., Martin H. C., Snover, Stevens, Teasdale, Weiss-
er, and White—12.

Absent or not voting—Senators Ackley, Bishop, Burke, Culber-
son, Hustling, Perry, and Weigle—7.

And so the bill was laid over.

Res. No. 24, S.,
definitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **824, A.**

Was ordered to a third reading.

No. **863, A.,**

Was non-concurred in.

Res. No. 31, A.,

A joint resolution to amend section 6 of article VIII of the con-
stitution, relating to finance.

The question was, Shall the resolution be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 20;
12; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Cunningham, Glenn, Hoyt,
Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C.,
Monk, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale,
Weissleder, and White—20.

Noes—Senators Richards and Zophy—2.

Absent or not voting—Senators Ackley, Bishop, Bosshard,
Burke, Culbertson, Hustling, Perry, Tomkins, True, and Weigle
—10.

And so the resolution was non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **487, S.,**

A bill to amend section 1040 of the statutes, relating to the
assessment of personal property,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22;
12; none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Martin Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, True, Weissleder, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Culbertson, Glenn, Husting, Perry, Snover—10.

And so the bill was passed.

Upon request of Senator Tomkins,

All rules interfering were suspended, with unanimity, and the bill was ordered messaged to the assembly as follows:

No. **504, S.,**

A bill to create subsection 3 of section 1219 of the code relating to the license fees and taxes of fire insurance companies.
Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was as follows: ayes, 22; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Cunningham, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Randolph, Richards, Scott, Skogmo, Snover, Teasdale, White and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Culbertson, Husting, Kileen, Perry, Snover, True and Weigle—12.

And so the bill was passed.

No. **533, S.,**

A bill to appropriate to the city treasurer of the city of Richmond a certain sum of money therein named, and to amend an act in that behalf.
Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was as follows: ayes, 22; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Glenn, Hoyt, Huber, Kileen, Linley, Martin A. E., Martin H. C., Moore, Richards, Scott, Skogmo, Stevens, Teasdale, White, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Burke, Culbertson, Cunningham, Husting, Perry, Tomkins, True, and Weigle—12.

And so the bill was passed.

No. **540, S.,**

Was read a third time, and passed.

No. **542, S.**

Upon motion of Senator Linley,

Laid over until Tuesday, June 24, 1913.

No. 552, S.

Substitute amendment No. 1, S., adopted.

The bill was read a third time, and passed.

No. 576, S.,

A bill making an appropriation in addition to the appropriation already made for the celebration of the fiftieth anniversary of the battle of Gettysburg,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Weissleder, White, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Husting, Perry, Tomkins, True, and Weigle—10.

And so the bill was passed.

No. 870, A.,

Was read a third time and concurred in.

No. 1126, A.,

A bill to amend section 20.23 of the statutes, relating to the Wisconsin blue book.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 1; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Weissleder, White, and Zophy—21.

Noes—Senator Martin A. E.—1.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Husting, Perry, Tomkins, True, and Weigle—10.

And so the bill was concurred in.

Jt. Res. No. 38, A.,

A joint resolution to create section 11 of article VIII of the constitution, relating to state insurance,

Was read a third time.

The question was, Shall the resolution be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, 3; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk,

Randolph, Richards, Scott, Skogmo, Snover, Stevens, T
Tomkins, True, White, and Zophy—22.

Noes—Senators Albers, Bichler, and Weissleder—3.

Absent or not voting—Senators Ackley, Bishop, Burke, C
son, Husting, Perry, and Weigle—7.

And so the resolution was concurred in.

Upon request of Senator Bosshard,

All rules interfering, were suspended with unanimous c
and No. **562, S.**, was placed upon its final passage at this
No. **562, S.**,

Was read a third time, and passed.

Upon request of Senator Bosshard,

All rules interfering, were suspended with unanimous c
and the bill was ordered messaged to the assembly at once.

ADJOURNMENT.

Upon motion of Senator A. E. Martin,

The senate adjourned.

BILLS FOR REVISION.

Senator Huber filed one bill for revision at the clerk's d

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **567, S.**,

Correctly engrossed.

WEDNESDAY, JUNE 18, 1913.

10:00 O' CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Father H. C. Hengell.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Kinley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—30.

Absent—Senator Perry—1.

Absent with leave—Senator Rishop—1.

The journal of yesterday was approved.

RESOLUTIONS INTRODUCED.

Res. No. 28, S.,

Relating to the introduction of bills.

Resolved by the senate, That after the adoption of this resolution no bills shall be filed for revision except by unanimous consent.

By Senator Teasdale.

Adopted.

Res. No. 29, S.

Recalling bill No. 699, A., from the assembly.

Resolved by the senate, That the assembly be requested to return bill No. 699, A., to the senate for further consideration.

By Senator Husting.

Adopted.

Read first time and referred.

Res. No. 60, S. (Revision No. 620). By Senator Burke. To committee on State Affairs.

Senator Bosshard moved that the vote by which R
was passed, be reconsidered,
Which motion was lost.

The committee on Legislative Procedure report and
for introduction bills bearing the following revision
Nos. 621, 622, 623.

H. C. MA

The bills were read by title and the recommend
committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **590, S.** (Revision No. 621). By Senator Hul
mittee on Education and Public W

No. **591, S.** (Revision No. 622). By Senator Tru
mittee on Finance.

No. **592, S.** (Revision No. 623). By Senator Tr
mittee on Finance.

PETITIONS.

Pet. No. 668, S. By Senator Culbertson. To special
Insurance.

Pet. No. 669, S. By Senator Culbertson. To
Finance.

Pet. No. 670, S. By Senator Burke. To committee

Pet. No. 671, S. By Senator Burke. To committee

Pet. No. 672, S. By Senator Husting. To com
nance.

COMMITTEE REPORTS.

The joint committee on Finance report and recom
No. **55, S.**,

Indefinite postponement, Messrs. Peavey, Pickart
dissenting.

No. **213, A.**,

Concurrence.

No. **232, A.**,

Without recommendation. For concurrence, Sena
Messrs. Kneen, Nye, Pickart, Potts, Roessler

inst concurrence, Senators Bichler, Huber, Randolph and
e, and Messrs. Peavey, Smith and Spoor.

O. **578, S.,**

definite postponement, Senators Scott and Huber dissenting.

G. E. SCOTT,

Chairman Senate Committee.

R. J. NYE,

Chairman Assembly Committee.

the committee on Corporations report and recommend:

O. **581, S.,**

assage.

O. **587, S.,**

adoption of amendment No. 1, S., and passage.

O. **489, A.,**

ncurrence.

OTTO BOSSHARD,

Chairman.

EXECUTIVE COMMUNICATION.

the Honorable, the Senate:

return herewith, without approval, bill No. **425, S.,** entitled
act to amend section 1816 of the statutes, relating to contrib-
y negligence in actions against railroad companies for per-
l injuries to employees".

The principal purpose of this bill is to enlarge and make more
in the right to recover damages resulting from the injury or
h of railway employes, received in the course of their hazard-
employment. With this general object I am in full accord; but
limitation provided in subdivision 9 I cannot approve. It de-
s that "no action shall be maintained under this section un-
commenced within two years from the day the cause of action
ned". The change in the law here proposed is undesirable for
reasons. As the law now is, such an action may be commenced
any time within six years from the date of the accident, provided
e of injury has been given the railway company within two
s (sec. 4422 of the statutes). It seems to me that this proposed
ction of time within which such an action may be commenced
olly unwarranted and very unwise. Still more serious even is
objection that the change proposed in this bill would bar the
t of action in all cases of injuries occurring two years or more
r to its taking effect, wherein notices of injury have been given
quired by the present law, but nothing more has been done. I
me that this result was not intended by anyone and that this
are of the bill crept in by inadvertence.

I regret that I cannot retain the bill in my hands and so permit its recall and amendment in the par mentioned.

Respectfully submitted,
FRANCIS E. McGOV

June 17, 1913.

No. **228, S.**

Upon motion of Senator Huber,
Laid on the table.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly return of

No. **274, S.**

ASSEMBLY MESSAGE CONSIDERED

No. **274, S.**

Ordered returned to the assembly.

No. **201, S.,**

Amendment No. 1, A., concurred in.

Senator Weissleder moved that the vote by which No. 1, A., was concurred in, be reconsidered,
Which motion was lost.

No. **1180, A.**

Senator Ackley moved that the senate insist on its amendment No. 1, S., and ask for a committee of co
Which motion prevailed.

BILLS AND RESOLUTIONS READY FOR E MENT.

Read second time.

No. **85, S.,**

A bill to amend subdivision (f) of section 1087m—2 of section 1087m—5, and section 1087m—26 of relating to the income tax.

Senator Teasdale offered amendment No. 1, S., amendment No. 1, S.

Senator Randolph moved that the amendment be r

The ayes and noes were demanded and the vote was noes, 4; absent or not voting, 2, as follows.

Ayes—Senators Albers, Bichler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Hustung, Kile

in A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, Weissleder, White, Zephy—22.

Ayes—Senators Ackley, Kellogg, Snover, and Teasdale—4.

Absent or not voting—Senators Bishop and Perry—2.

And so the amendment was rejected.

Substitute amendment No. 1, S., adopted.

The question then was, Shall the bill be ordered engrossed and read a third time?

The ayes and noes were demanded, and the vote was: Ayes, 26;

4; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Skogmo, Stevens, Tomkins, True, Weigle, Weissleder, Zephy, and Zephy—26.

Absent or not voting—Senators Bichler, Kellogg, Snover, and Teasdale—4.

Absent or not voting—Senators Bishop and Perry—2.

And so the bill was ordered engrossed and read a third time.

Upon request of Senator Randolph, all rules interfering, were suspended with unanimous consent, and the bill was placed upon final passage at this time.

The bill was read a third time

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 26;

3; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, Zephy—26.

Absent or not voting—Senators Bichler, Kellogg, and Snover—3.

Absent or not voting—Senators Albers, Bishop, and Perry—

And so the bill was passed.

Upon motion of Senator Randolph, and with unanimous consent, all rules interfering were suspended, and the bill was ordered engrossed to the assembly at once.

S. 452, S.

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

S. 544, S.

Bill to create section 1317m—16 of the statutes, relating to allotment of the state highway fund.

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

Upon motion of Senator Tomkins,

All rules interfering, were suspended with unanimous consent, and the bill was placed upon its final passage at this time.

The bill was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 3, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Huston, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, White, and Zophy—29.

Noes—None.

Absent or not voting—Senators Bishop, Perry, and White—3.

And so the bill was passed.

No. 575, S.,

A bill to amend subdivision (3) of section 1087—1 of the statutes, relating to inheritance tax.

Senator Bichler offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 21; noes, 21; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Kellogg, Martin A. E. and Snover—9.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Huston, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, White, and Zophy—21.

Absent or not voting—Senators Bishop, and Perry—2.

And so the senate refused to adopt the amendment.

Senator Bichler offered amendment No. 2, S.

Senator Tomkins moved that the amendment be rejected.

The ayes and noes were demanded, and the vote was: Ayes, 11; noes, 11; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Culbertson, Glenn, Hoyt, Huston, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, White, and Zophy—11.

Noes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Kellogg, Kileen, Martin A. E., Snover, Weigle, and White—11.

Absent or not voting—Senators Bishop, Perry, and White—3.

And so the amendment was rejected.

The bill was ordered engrossed and read a third time.

Senator Scott requested that all rules interfering, be suspended with unanimous consent, and the bill be placed upon its final passage at this time.

Senator Bichler objected.

Senator Scott moved that all rules be suspended, and that the bill be placed upon its final passage at this time.

The ayes and noes were required, and the vote was: Ayes, 27; noes, 3; absent or not voting, 2, as follows:

Ayes—Senators Albers, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—27.

Noes—Senators Ackley, Bichler, and Snover—3.

Absent or not voting—Senators Bishop and Perry—2.

And so the rules were suspended.

No. 575, S.,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 25; noes, 5; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustling, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—25.

Noes—Senators Albers, Bichler, Burke, Kellogg, and Snover—

Absent or not voting—Senators Bishop and Perry—2.

And so the bill was passed.

Senator White moved that the senate take a recess until 7:30 o'clock, p. m.

Which motion was lost.

No. 397, S.

Amendment No. 1, S., to substitute amendment No. 1, S., adopted.

Senator Teasdale offered amendment No. 2, S., to substitute amendment No. 1, S.

Upon motion of Senator Hoyt,

The amendment was rejected.

Senator Richards offered amendment No. 3, S., to substitute amendment No. 1, S.

Senator Hoyt offered amendment No. 4, S., to substitute amendment No. 1, S.

RECESS.

Upon motion of Senator Teasdale,

The senate took a recess until 7:30 o'clock p. m.

BILLS FOR REVISION.

With unanimous consent,
 The committee on Corporations filed two bills for revision.
 Senator Ackley filed one bill.
 Senator Richards, one bill.
 The committee on Judiciary, three bills, and
 Senator Burke, one bill, for revision at the clerk's desk.

CHIEF CLERK'S REPORT.

The chief clerk records:
 No. **487, S.**,
 Correctly enrolled at 8:55 o'clock a. m.

7:30 O'CLOCK

The senate was called to order by the president pro tempore.

MOTIONS.

No. **487, A.**

Senator Husting moved that the bill be laid over until June 24, 1913.

The ayes and noes were demanded, and the vote was: ayes, 16; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Husting, Martin, Monk, Randolph, Skogmo, Tomkins, True, Weigle and White—12.

Noes—Senators Ackley, Albers, Burke, Culbertson, Ham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Scott, Snover, Stevens, Teasdale and Weissleder—16.

Absent or not voting—Senators Bichler, Bishop, Felt and White—4.

And so the senate refused to lay over the bill.

COMMITTEE REPORT.

The committee on Education and Public Welfare recommends:

No. **142, S.**,

Adoption of substitute amendment No. 3, S., and passage of

No. **590, S.**,

Passage.

No. **194, A.**,

No. **754, A.**, and

No. **1168, A.**,

Concurrence.

No. **635, A.**, and

No. **1088, A.**,

Non-concurrence.

No. **1090, A.**,

Adoption of amendment No. 1, S., and concurrence, Senators
Asdale and Albers dissenting.

HOWARD TEASDALE,

Chairman.

The committee on Corporations report and recommend:

No. **508, S.**,

Adoption of amendment No. 1, S., and passage.

No. **529, S.**,

Indefinite postponement.

No. **564, S.**,

Indefinite postponement, Senators Bosshard, Skogmo, and
Leigle dissenting.

No. **753, A.**,

No. **790, A.**,

No. **808, A.**, and

No. **1186, A.**,

Concurrence.

No. **1005, A.**, and

No. **1134, A.**,

Non-concurrence,

No. **1075, A.**,

Adoption of substitute amendment No. 2, S., and concurrence.

No. **1131, A.**,

Adoption of substitute amendment No. 1, S., and concurrence.

OTTO BOSSHARD,

Chairman.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

S. PRESIDENT:

I am directed to inform you that the assembly has amended,
and concurred in, as amended, amendment No. 1, S., to

No. **131, A.**

Amended, and concurred in, as amended, amendment No. 1, S.,
and has non-concurred in amendment No. 2, S., to

No. **490, A.**

Has concurred in amendment No. 1, S., to

No. **588, A.**,

No. **650, A.**,

No. **853, A.**, and
No. **1183, A.**

Has non-concurred in amendment No. 1, S., and amend-
No. 2, S., to
No. **1120, A.**

Has passed, and asks concurrence in,
No. **246, A.**,
No. **739, A.**, and
No. **1157, A.**

Has concurred in,
No. **490, S.**,
No. **539, S.**,
No. **543, S.**, and
No. **574, S.**

Has non-concurred in
No. **123, S.**,
No. **318, S.**, and
No. **537, S.**

Returns herewith as per request,
No. **699, A.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **246, A.** To special committee on Highways.

No. **739, A.** To committee on Education and Public
fare.

No. **1157, A.** To committee on Judiciary.

The president appointed on part of the senate as a committee
conference on No. **356, A.**, Senators, White, Stevens and
ningham, and on No. **1180, A.**, Senators, Teasdale, Ackley
Monk.

Upon request of Senator Randolph,
Rule 11 was suspended for this session.

SPECIAL ORDER.

No. **51, S.**,

A bill to repeal sections 460—1 to 460—20, both inclusive
the statutes, relating to the teachers' insurance and retirement
and providing for the repayment of such funds,

Senator Teasdale offered amendment No. 1, S.

Senator Hoyt moved that the amendment be rejected.

The ayes and noes were demanded, and the vote was: Ayes,
noes, 5; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke,
ningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, M.

A. E., Martin H. C., Randolph, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, Weissleder, White, and Zophy—25.

Noes—Senators Culbertson, Husting, Monk, Richards, and Teasdale—5.

Absent or not voting—Senators Bishop and Perry—2.

And so the amendment was rejected.

Senator White moved the previous question.

The question was, Shall the previous question be now put?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 11; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and White—19.

Noes—Senators Bosshard, Hoyt, Husting, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Weigle, and Zophy—11.

Absent or not voting—Senators Bishop and Perry—2.

And so the previous question was ordered to be now put?

The bill was indefinitely postponed.

No. 67, S.,

A bill to amend subsection 1 of section 460—14 of the statutes, relating to the Teachers Insurance and Retirement Fund.

Amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 7; noes, 23; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Culbertson, Glenn, Kellogg, Monk, and Teasdale—7.

Noes—Senators Bichler, Bosshard, Burke, Cunningham, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Randolph, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, Weigle, Weissleder, White and Zophy—23.

Absent or not voting—Senators Bishop and Perry—2.

And so the amendment was refused adoption.

Senator Teasdale offered amendment No. 2, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 3; noes, 24; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Culbertson, and Teasdale—3.

Noes—Senators Bichler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weigle, White, and Zophy—24.

Absent or not voting—Senators Albers, Bishop, Perry, Snover, and Weissleder—5.

And so the amendment was refused adoption.

Senator H. C. Martin moved that the bill be indefinitely postponed.

The ayes and noes were demanded, and the vote was noes, 11; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Burke, Cunningham, GL Huber, Kileen, Linley, Martin H. C., Richards, Scott Stevens, Tomkins, True, White, and Zophy—17.

Noes—Senators Ackley, Albers, Bichler, Culbertson Kellogg, Martin A. E., Monk, Randolph, Teasdale, —11.

Absent or not voting—Senators Bishop, Perry, S Weissleder—4.

And so the bill was indefinitely postponed.

No. **487, A.**

Upon motion of Senator Stevens,

The vote by which the senate refused to lay the bill reconsidered.

Senator Tomkins amended the motion of Senator H the bill be made a special order for 7:30 o'clock p. m. day, June 24, 1913,

Which motion prevailed.

The motion of Senator Husting, as amended by Sen kins, prevailed, and the bill was laid over.

ADJOURNMENT.

Upon motion of Senator Cunningham,
The senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

Jt. Res. No. 52, S.,

No. **78, S.,**

No. **206, S.,**

No. **409, S.,**

No. **461, S.,**

No. **516, S.,**

No. **517, S.,**

No. **519, S.,**

No. **520, S.,**

No. **524, S.,**

No. **530, S.,**

No. **531, S.,** and

No. **538, S.,**

Correctly enrolled at 7:25 o'clock p. m., and

No. **452, S.**,
Correctly engrossed.

BILLS FOR REVISION.

Senator Scott, with unanimous consent, filed one bill for revision, Senator Tomkins, with unanimous consent, filed two bills for revision, and the committee on Judiciary, with unanimous consent, filed one bill for revision at the clerk's desk.

THURSDAY, JUN
10:00 O

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Father H. C. Hen

The roll was called and the following senators
their names:

Senators Ackley, Albers, Bichler, Bosshard, Burke,
Cunningham, Glenn, Hoyt, Huber, Hustling, Kel
Linley, Martin A. E., Martin H. C., Monk, Ric
Skogmo, Snover, Stevens, Teasdale, Tomkins, T
White, and Zophy—28.

Absent—Senators Perry and Randolph—2.

Absent with leave—Senators Bishop and Weissleder

The journal of yesterday was approved.

MOTIONS.

No. **754, A.**

Upon motion of Senator Teasdale, and with unanim

Was taken from the calendar of Friday, June 20
upon the calendar of Wednesday, June 25, 1913.

No. **206, A.**

Upon motion of Senator Richards,

Laid over until Tuesday, June 24, 1913.

No. **728, A.,**

A bill to authorize the Wolf River Improvement
construct, acquire, maintain and operate a system of
voirs located on the Wolf River and its tributaries n
ship thirty-two, as described herein, for the purpose
a uniform flow of water in the Wolf and lower Fo
thereby improving the navigation and other uses of
and diminishing the injury to property both public a

Senator White asked unanimous consent that the b
ered at this time.

Senator Husting objected, and moved, with unanimous consent, that the bill be re-referred to the special committee on Conservation.

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 15; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Richards, Skogmo, Tomkins, True, and Zophy—13.

Noes—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Scott, Snover, Stevens, Teasdale, Weigle, and White—15.

Absent or not voting—Senators Bishop, Perry, Randolph, and Weissleder—4.

And so the senate refused to re-refer the bill.

Senator Zophy, with unanimous consent, moved that the bill be laid over until Wednesday, June 25, 1913.

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 18; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bosshard, Hoyt, Husting, Martin H. C., Monk, Richards, Skogmo, Tomkins, and Zophy—10.

Noes—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Scott, Snover, Stevens, Teasdale, True, Weigle, and White—18.

Absent or not voting—Senators Bishop, Perry, Randolph, and Weissleder—4.

And so the senate refused to lay the bill over.

Senator Ackley moved that all rules be suspended and the bill be acted upon at this time.

The ayes and noes were required, and the vote was: Ayes, 14; noes, 14; absent or not voting, 4, as follows:

Ayes—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Glenn, Kellogg, Kileen, Martin A. E., Snover, Stevens, Teasdale, Weigle, and White—14.

Noes—Senators Bichler, Bosshard, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Richards, Scott, Skogmo, Tomkins, True, and Zophy—14.

Absent or not voting—Senators Bishop, Perry, Randolph, and Weissleder—4.

And so the senate refused to suspend the rules.

COMMITTEE REPORT.

The committee on State Affairs report and recommend:

No. 509, S.,

Adoption of substitute amendment No. 1, S., and passage.

M. F. WHITE,

Chairman.

Senator Bosshard rose to a point of order that N is out of order because it is the same in substance as **S.**, which has been acted upon.

The president postponed decision of the point of order. The bill to be placed upon the calendar, state point would be decided before the senate acted upon it.

The special committee on Highways report and recommend the passage of
 No. **579, S.**,
 Passage.

TIMOTHY BURNETT

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has asked concurrence in,

No. **211, A.**,
 No. **320, A.**,
 No. **478, A.**,
 No. **797, A.**,
 No. **803, A.**,
 No. **1053, A.**, and
 No. **1188, A.**

Has concurred in

No. **389, S.**,
 No. **513, S.**,
 No. **569, S.**, and
 No. **584, S.**

Has non-concurred in

No. **391, S.**

ASSEMBLY MESSAGE CONSIDERED

Read first time and referred.

No. **211, A.** To committee on State Affairs.

No. **320, A.** To committee on State Affairs.

No. **478, A.** To committee on Education and Public

No. **797, A.** To committee on Education and Public

No. **803, A.** To committee on Education and Public

No. **1053, A.** To committee on Education and Public
 fare.

No. **1188, A.** To calendar.

YESTERDAY'S CALENDAR.

No. 397, S.,

A bill to repeal sections 1435, 1435a, 1435b, 1435c, 1435d, 1435e, 1435f, 1435g, and 1436 of the statutes, and to create nine new sections of the statutes to be numbered sections 1435, 1435a, 1435b, 1435c, 1435d, 1435e, 1435f, 1435g and 1436, relating to the practice of the art and science of health.

Amendment No. 3, S., to substitute amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 15; Noes, 9; paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Bichler, Culbertson, Cunningham, Henn, Husting, Linley, Martin A. E., Richards, Skogmo, Stevens, Teasdale, Tomkins, True, and Zophy—15.

Noes—Senators Albers, Bosshard, Hoyt, Huber, Kellogg, Kinney, Martin H. C., Monk, and White—9.

Paired—Senator Weigle for the bill, Senator Weissleder against the bill—2.

Absent or not voting—Senators Bishop, Burke, Perry, Randolph, Scott, and Snover—6.

And so the amendment was adopted.

Amendment No. 4, S., to substitute amendment No. 1, S., rejected adoption.

Senator Hoyt offered amendment No. 1, S., to amendment No. 3, S., to substitute amendment No. 1, S.

The president held the amendment out of order, it being an amendment in the third degree.

Senator Albers offered amendment No. 5, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Upon motion of Senator Richards,

No. 397, S.,

Was laid over until Tuesday, June 24, 1913.

No. 728, A.

Upon motion of Senator Zophy,

Made a special order for Tuesday, June 24, 1913, at 10:30 o'clock a. m.

Upon motion of Senator White, and with unanimous consent, No. 1120, A., and

No. 1090, A., from Friday's calendar, and

Jt. Res. No. 50, S., from Wednesday's unfinished calendar,

Were ordered placed upon the calendar for Tuesday, June 24, 1913.

Upon motion of Senator A. E. Martin, and with unanimous consent,

No. 1131, A., from Friday's calendar,

No. 137, A., from Wednesday's unfinished calendar, and

No. **549, S.**, from Thursday's calendar,
Were ordered placed upon the calendar for Tuesday, June 25, 1913.

Upon motion of Senator Cunningham,
No. **89, S.**,
Was made a special order for Wednesday, June 25,
10:30 o'clock a. m.

No. **34, S.**

Upon motion of Senator Burke,
Laid over until Wednesday, June 25, 1913.

No. **41, S.**

Upon motion of Senator Albers,
Laid over until Tuesday, June 24, 1913.

LEAVE OF ABSENCE

Upon request of Senator Richards,
Leave of absence was granted to Senator Weissleder until
Monday, June 24, 1913.

Upon request,
Leave of absence was granted to Senator Cunningham
Monday, June 23, to Senators Bichler, A. E. Martin, M. O.
Richards until Tuesday, June 24, and to Senator Culbertson
Monday, June 30, 1913.

RECESS.

Senator Huber moved that the senate take a recess until
1 o'clock p. m.

Senator Burke moved to amend the motion that the senate
take a recess until 1:30 o'clock p. m.,

Which amendment was adopted.

The motion, as amended, prevailed.

1:30 O'CLOCK P. M.

The senate was called to order by Senator Teasdale, at the request of the president pro-tempore.

No. **41, S.**

With unanimous consent, Senator Albers for the committee on Education and Public Welfare, offered substitute amendment No. S.

Laid over under the rules.

No. **301, S.,**

Was indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **869, A.**

Senator Skogmo offered amendment No. 1, S.

Upon motion of Senator Bosshard,

Laid over until Tuesday, June 24, 1913.

No. **890, A.**

Amendment No. 1, S., rejected.

Ordered to a third reading.

No. **384, A.,**

Upon motion of Senator Richards,

Laid over until Tuesday, June 24, 1913.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **563, S.,**

No. **170, A.,**

No. **543, A.,**

No. **866, A.,** and

No. **1047, A.,**

Were laid over until Tuesday, June 24, 1913.

No. **372, A.,** and

No. **397, A.,**

Were each severally read a third time, and concurred in.

TODAY'S CALENDAR.

CONFIRMATION OF THE NOMINATION BY THE GOVERNOR.

The nomination of Louis F. Meyer, of Milwaukee, to be superior of inspectors of illuminating oils for the term ending April 1915.

With unanimous consent,

Laid over until Tuesday, June 24, 1913.

BILLS AND RESOLUTIONS READY FOR ENGR
MENT.

Read second time.

No. **555 S.**, and

No. **556, S.**,

Were each severally ordered engrossed and read a third

No. **297, S.**, and

No. **497, S.**,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO T
READING.

No. **661, A.**

Upon motion of Senator Bosshard,

Laid over until Tuesday, June 24, 1913.

BILLS AND RESOLUTIONS READY FOR THIR
READING.

No. **567, S.**, and

No. **570, S.**,

Were each severally read a third time, and passed.

Jt. Res. No. 55, S., and

No. **824, A.**

Upon motion of Senator Bosshard,

Laid over until Tuesday, June 24, 1913.

Upon request of Senator Snover, and with unanimous o
the calendar for Friday, June 20, 1913, was taken up at th

FRIDAY'S CALENDAR.

EXECUTIVE COMMUNICATION CONSIDERE

No. **425, S.**

Upon motion of Senator Tomkins,

Laid upon the table.

ASSEMBLY MESSAGE CONSIDERED.

No. **131, A.**,

Upon motion of Senator Teasdale,
Laid over until Tuesday, June 24, 1913.

No. **490, A.**,

Laid over until Tuesday, June 24, 1913.

No. **699, A.**,

Senator Husting moved that the vote by which the bill was
used concurrence be reconsidered, and that the motion
over until Tuesday, June 24, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **142, S.**

Substitute amendment No. 3, S., adopted.
Ordered engrossed and read a third time.

Read second time.

No. **508, S.**

Amendment No. 1, S., adopted.
Ordered engrossed and read a third time.

Upon request of Senator Bosshard,

All rules interfering, were suspended, with unanimous consent,
and the bill was placed upon its final passage at this time.

The bill was read a third time, and passed.

No. **581, S.**,

Ordered engrossed and read a third time.

No. **587, S.**

Amendment No. 1, S., adopted.

Upon motion of Senator Bosshard,

Laid over until Wednesday, June 25, 1913.

No. **590, S.**

Ordered engrossed and read a third time.

Upon request of Senator Ackley,

All rules interfering, were suspended with unanimous consent,
and the bill was placed upon its final passage at this time.

The bill was read a third time, and passed.

No. **55, S.**

Upon motion of Senator Bosshard,

Laid over until Tuesday, June 24, 1913.

No. **529, S.**,

Was indefinitely postponed.

No. **564, S.**

Upon motion of Senator Bosshard,

Laid over until Tuesday, June 24, 1913.

No. **578, S.**

Refused indefinite postponement and thereby ordered
and read a third time.

**BILLS AND RESOLUTIONS TO BE ORDERED
READING.**

No. **194, A.,**
No. **213, A.,**
No. **489, A.,**
No. **753, A.,**
No. **790, A.,**
No. **808, A.,**
No. **1168, A.,** and
No. **1186, A.,**

Were each severally ordered to a third reading.

No. **232, A.**

Upon motion of Senator Tomkins,
Laid over until Tuesday, June 24, 1913.

No. **1075, A.**

Substitute amendment No. 2, S., adopted.
Ordered to a third reading.

No. **635, A.,**
No. **1005, A.,**
No. **1088, A.,** and
No. **1134, A.,**

Were severally non-concurred in.

**BILLS AND RESOLUTIONS READY FOR
READING.**

No. **452, S.,**

Laid over until Tuesday, June 24, 1913.

RECESS.

Upon motion of Senator Tomkins,
The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

the senate was called to order by the president pro tempore.

MOTIONS.

Upon motion of Senator Bosshard,
the vote by which No. **1005, A.**, was non-concurred in, was re-
sidered.

Upon motion of Senator Bosshard,
further consideration of the bill was deferred until Tuesday,
24, 1913.

Senator Bosshard, with unanimous consent, moved that the vote
which No. **961, A.**, was non-concurred in, be reconsidered,
which motion was entertained.

Upon motion of Senator Bosshard,
the assembly was requested to return No. **961, A.**

COMMITTEE REPORT.

The committee on State Affairs report and recommend:

o. **459, S.**,
definite postponement, Senator White dissenting.
o. **566, S.**,
passage.
o. **507, A.**,
concurrence, Senator Cunningham dissenting.
o. **572, A.**,
adoption of amendment No. 1, S., and concurrence.
o. **617, A.**,
concurrence.
o. **702, A.**,
non-concurrence, Senators Zophy and Cunningham dissenting.
o. **748, A.**, and
o. **1060, A.**,
non-concurrence.
o. **522, A.**,
adoption of substitute amendment No. 1, S., and concurrence.
M. F. WHITE,
Chairman.

The special committee on Conservation report and recommend:

o. Res. No. 12, S.,
o. **238, S.**,
o. **239, S.**,
o. **240, S.**,
o. **241, S.**,
o. **242, S.**, and

No. **275, S.**,

Indefinite postponement.

Jt. Res. No. 66, A.,

Adoption of amendment No. 1, S., and concurrence

No. **695, A.**,

Concurrence.

PAUL O. HUST

ADJOURNMENT.

Upon motion of Senator Ackley,
The senate adjourned.

CHIEF CLERK'S CORRECTIONS.

The chief clerk under rule 32, corrected engrossed **S.**, by inserting the words "subsection 1" after the where it occurs in line 5 of section 2; also by striking after the figures "496b" where they occur in said line

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **53, S.**,

No. **83, S.**, and

No. **270, S.**,

Correctly enrolled at 7:30 o'clock p. m.

FRIDAY, JUNE 20, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. Father H. C. Hengell.

Upon motion of Senator Scott,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

The chief clerk reported that the bill offered for revision by the committee on Judiciary at the evening session on June 18, 1913, had been inadvertently received without unanimous consent having been given as required by resolution No. 28, S.

Upon motion of Senator Bosshard,

The journal of Wednesday, June 18, 1913, was corrected by cancelling under, "Bills for Revision," at the evening session the following: The committee on Judiciary, with unanimous consent, read one bill for revision.

MOTIONS.

Upon motion of Senator Scott,

Committees were permitted to file their reports during the day.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 622, 623, 624, 626, 627, 628, 630, 631, 633.

H. C. MARTIN,

Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

- No. 593, S.** (Revision No. 622). By Committee on Corporations.
To committee on Corporations.
- No. 594, S.** (Revision No. 623). By Committee on Corporations.
To committee on Corporations.
- No. 595, S.** (Revision No. 624). By Senator Ackley.
To committee on Corporations.
- No. 596, S.** (Revision No. 626). By Committee on Judiciary.
To committee on Judiciary.
- No. 597, S.** (Revision No. 627). By Committee on Judiciary.
To committee on Judiciary.
- No. 598, S.** (Revision No. 628). By Committee on Judiciary.
To committee on Judiciary.
- No. 599, S.** (Revision No. 630). By Senator Scott.
To committee on Finance.
- No. 600, S.** (Revision No. 631). By Senator Tomkins.

Upon request of Senator Tomkins,
All rules interfering, were suspended with unanimity
and the bill was placed upon its final passage at this time.
The bill was read a third time, and passed.

Upon request of Senator Tomkins,
All rules interfering, were suspended with unanimity
and the bill was ordered messaged to the assembly at once.

- No. 601, S.** (Revision No. 633). By Senator Tomkins.
To committee on Corporations.

ADJOURNMENT.

Upon motion of Senator Glenn,
The senate adjourned until Monday, June 23, 1913, at
p. m.

COMMITTEE REPORT.

(Received after the session.)

- The joint committee on Finance report and recommend
No. 118, S.,
Indefinite postponement.
- No. 256, S.,**
Amendment No. 1, S., and passage.
- No. 307, S.,**
No. 384, S., and
No. 446, S.,
Indefinite postponement.

To. **503, S.**,
 indefinite postponement, Senators Huber, Scott, and True
 presenting.
 To. **426, S.**,
 substitute amendment No. 1, S., and passage.
 To. **1089, A.**,
 concurrence.
 To. **1143, A.**,
 concurrence, Senators Huber and Randolph and Mr. Roessler
 presenting.

G. E. SCOTT,
 Chairman Senate Committee.

R. J. NYE,
 Chairman Assembly Committee.

The chief clerk, under rule 32, made the following correction
 bill No. **83, S.**:

correct the title by striking out in line 2 thereof the figures and
 "4, 5, and 6", and inserting in lieu thereof the figures and
 "5, 6, and 7".

amend section 2 by striking out in line 2 thereof the figure "4,"
 inserting in lieu thereof the figure "5."

further amend by striking out in line 19 of section 2 the figure
 "6", and inserting in lieu thereof the figure "6".

further amend by striking out in line 32 of said section the
 figure "6" and inserting in lieu thereof the figure "7".

The chief clerk under rule 32, made the following correction to
 No. **142, S.**:

amend the title of bill No. **142, S.**, by striking out the section
 number "496c-2" and inserting in lieu thereof the number
 "6c-4."

further amend by striking out in line 2 of section 1, the sec-
 tion number "496c-2" and inserting in lieu thereof the number
 "6c-4."

further amend by striking out in line 3 of section 2, the section
 number "496c-2" and inserting in lieu thereof the number
 "6c-4."

CHIEF CLERK'S REPORT.

The chief clerk records:

To. **142, S.**,

correctly engrossed.

MONDAY, JUNE
9:00 O'Clock

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. J. W. Morgan, Ba
University of Wisconsin.

Upon motion of Senator Monk,

The calling of the roll was dispensed with.

The journal of Friday, June 20, 1913, was approved.

COMMITTEE REPORT.

The committee on Judiciary report and recommend
No. **292, S.**,

Passage, Senators Kileen and Weissleder dissenting
No. **518, S.**, and

No. **583, S.**,

Passage.

No. **548, S.**,

Adoption of amendment No. 1, S., and passage.

No. **554, S.**,

Adoption of substitute amendment No. 1, S., and

No. **188, S.**,

Indefinite postponement, Senators Linley and Richa
ng.

No. **44, S.**,

No. **521, S.**,

No. **573, S.**, and

No. **580, S.**

Indefinite postponement.

No. **789, A.**,

No. **848, A.**,

No. **1170, A.**, and

O. **1171, A.**
 concurrence.
 O. **429, A.,**
 adoption of substitute amendment No. 1, S., and concurrence.
 O. **896, A.,**
 adoption of substitute amendment No. 2, S., and concurrence.
 O. **394, A.,**
 O. **512, A.,**
 O. **926, A.,** and
 O. **1153, A.,**
 on-concurrence.

E. F. KILEEN,
 Chairman.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

read second time,
 O. **579, S.,**
 ordered engrossed and read a third time.
 O. **238, S.,**
 O. **239, S.,**
 O. **240, S.,**
 O. **241, S.,**
 O. **242, S.,** and
 Res. No. 12, S.,
 were severally indefinitely postponed.
 O. **275, S.**
 Senator Teasdale offered amendment No. 1, S.,
 which amendment was adopted.
 The bill was indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

read second time.
 O. **695, A.**
 Senator Teasdale offered amendment No. 1, S.,
 which amendment was refused adoption.
 The bill was ordered to a third reading.
 O. **1188, A.,**
 ordered to a third reading.
 Res. No. 66, A.
 amendment No. 1, S., adopted.
 ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR
READING.No. **555, S.**, andNo. **556, S.**

Upon motion of Senator Teasdale, and with unanimi

Laid over until Tuesday, June 24, 1913.

No. **581, S.**,

Read a third time, and passed.

No. **489, A.**, andNo. **790, A.**,

Were severally read a third time and concurred in

No. **753, A.**Senator Hoyt asked that unanimous consent be giv
bill over until Tuesday.

Senator Weigle objected.

The bill was read a third time, and concurred in.

No. **808, A.**

Read a third time, and refused concurrence.

Senator White moved that the vote by which N
was refused concurrence, be reconsidered,
Which motion was lost.No. **1075, A.**

Upon motion of Senator Hoyt, and with unanimou

Laid over until Tuesday, June 24, 1913.

No. **1168, A.**Senator Teasdale, with unanimous consent, offered
No. 1, S.

Upon motion of Senator Randolph,

Laid over until Wednesday, June 25, 1913.

No. **1186, A.**,

Read a third time, and concurred in.

ADJOURNMENT.

Upon motion of Senator Weigle,

The senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **121, S.**,No. **295, S.**,No. **534, S.**,No. **545, S.**, andNo. **546, S.**,

Correctly enrolled at 2:00 o'clock p. m.

TUESDAY, JUNE 24, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. J. W. Morgan.

The roll was called and the following senators answered to their
names:Senators Albers, Bichler, Burke, Culbertson, Cunningham,
Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E.,
Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo,
Teasdale, True, Weigle, Weissleder, White, and ZophyAbsent—Senators Ackley, Bosshard, Husting, Snover, and
Watkins—5.

Absent with leave—Senator Bishop—1.

The journal of yesterday was approved.

MOTIONS.

Senator Kileen moved that No. **1162, A.**, be recalled from the
assembly,
Which motion prevailed.

RESOLUTIONS INTRODUCED.

S. Res. No. 61, S.,

Resolved by the senate, the assembly concurring, That the
governor be requested to return bill No. **533, S.**, for amend-
ment.

By Senator Teasdale. Adopted.

EXECUTIVE COMMUNICATION.

Nomination of Louis F. Meyer of Milwaukee.

The question was, Shall the nomination by the Louis F. Meyer to be supervisor of inspectors of illu for the term ending April 1, 1915, be confirmed?

The ayes and noes were required, and the vote was: noes, none; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Burke, Culbertson, ham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, M Martin H. C., Monk, Perry, Randolph, Richards, Sec Stevens, Teasdale, True, Weigle, Weissleder, White, —26.

Noes—None.

Absent or not voting—Senators Ackley, Bishop Husting, Snover, and Tomkins—6.

And so the nomination was confirmed.

MESSAGE FROM ASSEMBLY.

No. 131, A.

Senator Teasdale moved that the senate non-concur in amendment No. 1, A., to amendment No. 1, S., and request a conference,

Which motion prevailed.

No. 490, A.

Upon motion of Senator Glenn,
Placed at foot of calendar.

No. 1120, A.

Senator White moved that the senate insist on its amendment No. 1, S., and amendment No. 2, S., and request a committee of conference,

Which motion prevailed.

MOTIONS FOR CONSIDERATION.

No. 699, A.

Upon motion of Senator Randolph,
Laid on the table.

BILLS AND RESOLUTIONS READY FOR ENACTMENT.

No. 256, S.

Amendment No. 1, S., adopted,
Ordered engrossed and read a third time.

No. 397, S.

Upon motion of Senator Richards,
Ordered placed at the foot of the calendar.

Upon motion of Senator Richards,
the vote by which the bill was ordered placed at the foot of
calendar was reconsidered.
Senator Hoyt moved that the bill be made a special order for
9 o'clock this evening.
Which motion prevailed.

SPECIAL ORDER FOR 10:30 O'CLOCK A. M.

No. 728, A.,

bill to authorize the Wolf River Improvement Company to
construct, acquire, maintain and operate a system of water reser-
voirs located on the Wolf River and its tributaries north of town-
ships thirty-two, as described herein, for the purpose of producing
uniform flow of water in the Wolf and lower Fox Rivers, and
thereby improving the navigation and other uses of said streams
and diminishing the injury to property both public and private.
Read second time.

Senator Skogmo moved that the bill be laid over until Thursday,
June 26, 1913, and made a special order for 9:00 o'clock a. m.

The question was, Shall the bill be laid over?

The ayes and noes were demanded, and the vote was: Ayes, 10;
noes, 15; absent or not voting, 7, as follows:

Ayes—Senators Hoyt, Huber, Linley, Martin H. C., Randolph,
Richards, Scott, Skogmo, True, and Zophy—10.

Noes—Senators Albers, Bichler, Burke, Culbertson, Cunning-
ton, Glenn, Kellogg, Kileen, Martin A. E., Perry, Stevens, Teas-
dale, Weigle, Weissleder, and White—15.

Absent or not voting—Senators Ackley, Bishop, Bosshard,
Cunnington, Monk, Snover, and Tomkins—7.

And so the senate refused to lay the bill over.

The question then was, Shall the bill be ordered to a third
reading?

Senator Skogmo moved a

CALL OF THE SENATE

Which motion was not seconded by five senators.

The ayes and noes were demanded, and the vote was: Ayes, 25;
noes, none; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Burke, Culbertson, Cunning-
ton, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin
A. E., Martin H. C., Perry, Randolph, Richards, Scott,
Skogmo, Stevens, Teasdale, True, Weigle, Weissleder, White,
Zophy—25.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Bosshard,
Cunnington, Monk, Snover, and Tomkins—7.

And so the bill was ordered to a third reading.

Senator Burke requested that unanimous consent be given to the suspension of all rules interfering, and the bill be taken up for its final concurrence at this time.

Senator Richards objected.

Senator Burke then moved that all rules interfering be suspended, and that No. **728, A.**, be placed upon its final concurrence at this time.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was taken—ayes, 12; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Burke, Culbertson, Ham, Kellogg, Kileen, Martin A. E., Perry, Stevens, Weissleder, and White—13.

Noes—Senators Glenn, Hoyt, Huber, Linley, M. Randolph, Richards, Scott, Skogmo, Teasdale, True—12.

Absent or not voting—Senators Ackley, Bishop, Hustings, Monk, Snover, and Tomkins—7.

And so the senate refused to suspend the rules.

Senator Hoyt moved that the vote by which No. **397, S.**, was made a special order for 8:00 o'clock this evening be reconsidered.

Which motion prevailed.

The question then was, Shall the bill be made a special order for 8:00 o'clock this evening?

A division was called for and the senate refused to make No. **397, S.**, a special order for 8:00 o'clock this evening.

No. **397, S.**,

Senator Hoyt offered amendment No. 6, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

Substitute amendment No. 1, S., as amended, was taken up.

The question then was, Shall the bill be ordered to be read a third time?

The ayes and noes were demanded, and the vote was taken—ayes, 15; absent or not voting, 6, as follows:

Ayes—Senators Albers, Culbertson, Cunningham, Huber, Martin H. C., Monk, Scott, True, and Weigman—15.

Noes—Senators Bichler, Burke, Kellogg, Kileen, L. A. E., Perry, Randolph, Richards, Skogmo, Stevens, Weissleder, White, and Zophy—15.

Absent or not voting—Senators Ackley, Bishop, Hustings, Snover, and Tomkins—7.

And so the senate refused to order the bill engrossed for a third time.

RECESS.

Senator White moved that the senate take a recess until 2 o'clock p. m.

Senator Randolph moved that the motion be amended to make the recess until 7:30 o'clock p. m.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 13; absent or not voting, 6, as follows:

Ayes—Senators Albers, Hoyt, Huber, Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, True, and Zephy—13.

Noes—Senators Bichler, Burke, Culbertson, Cunningham, Glenn, Kellogg Kileen, Linley, Martin A. E., Stevens, Weigle, Weissleder, and White—13.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Hastings, Snover, and Tomkins—6.

And so the senate refused to adopt the amendment.

The question then was, Shall the senate take a recess until 2 o'clock p. m.?

The ayes and noes were demanded, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6, as follows:

Ayes—Senators Bichler, Burke, Culbertson, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Perry, Stevens, Weigle, Weissleder, White, and Zephy—14.

Noes—Senators Albers, Glenn, Hoyt, Huber, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, and True—12.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Hastings, Snover, and Tomkins—6.

And so the senate took a recess until 2:00 o'clock p. m.

BILLS FOR REVISION.

Senator Scott, with unanimous consent, filed one bill for revision at the clerk's desk.

AFTERNOON SESSION.

2:00 O'Clock

The senate was called to order by the president pro

BILLS AND RESOLUTIONS READY FOR ENACTMENT.

Read second time.

No. **426, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **509, S.,**

A bill to create section 1548—1m of the statutes, the granting of licenses for retail traffic in intoxicants and for the transfer thereof.

The president stated that the point of order raised by Senator Bosshard that the bill is out of order because it is a substance with a bill previously considered by the senate in this session, was an important point, and so far as he had been able to investigate, a close one in this case, and requested a decision on the point of order.

After discussion, the president expressed a wish that the senate have further time to consider the point of order.

Senator Weissleder moved that the point of order be decided by a vote of the senate.

The president held the motion out of order.

Senator Bichler rose to a point of order that the point of order by Senator Bosshard, to hold, should have been made when the bill was introduced. The president held: Under the rule as outlined in Jefferson's Manual, the time for a point of order against a bill, was on its first reading, which was for its introduction and which, under the procedure in vogue in the days of the constitution, was a reading in full. Under the procedure in this senate, it is not practicable for a point of order to be raised until the bill has come up for consideration, it not being until then that the senate as a body would have adequate notice of what it considered. The other rule would deprive members of their right to raise a point of order against a bill and would effect practically the repeal of the rule. The point of order need not have been made until the bill was taken up for consideration.

Senator True moved that the bill be laid over until the next session, June 26, 1913.

The ayes and noes were demanded, and the vote was taken, 15; absent or not voting, 7, as follows:

Ayes—Senators Culbertson, Glenn, Huber, Lincoln, H. C., Monk, Randolph, Skogmo, Teasdale, and True—15.

Noes—Senators Albers, Bichler, Burke, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Stevens, Weissleder, White, and Zoohy—15.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Husting, Scott, Snover, and Tomkins—7.

And so the senate refused to lay the bill over.

The president stated that he would not avail himself of the power to postpone decision of the point of order, but would accede to the wish of the senate and rule upon it at this time.

Senator A. E. Martin requested that unanimous consent be given for the suspension of all rules interfering, and that the bill be laid over until tomorrow.

Senators True and White objected.

Senator A. E. Martin then moved that the rules be suspended, and the bill laid over until tomorrow.

The ayes and noes were required, and the vote was: Ayes, 13; Noes, 12; absent or not voting, 7, as follows:

Ayes—Senators Albers, Cunningham, Hoyt, Linley, Martin H. C., Martin H. C., Richards, Scott, Stevens, Teasdale, Weigle, Weissleder, and Zophy—13.

Noes—Senators Bichler, Culbertson, Glenn, Huber, Kellogg, Kileen, Monk, Perry, Randolph, Skogmo, True, and White—12.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Husting, Snover, and Tomkins—7.

And so the senate refused to suspend the rules.

The president said: "The president holds, on the limited investigation he can give this matter, that No. 509, S., is identical in substance with a bill that has been considered, the only difference being, so far as the president is informed, a difference in date, which does not change the substance or identity of the bill. The point of order is well taken."

Senator Bichler appealed from the decision of the chair.

The question was, Shall the decision of the chair stand as the judgment of the senate?

The ayes and noes were required, and the vote was: Ayes, 14; Noes, 11; absent or not voting, 7, as follows;

Ayes—Senators Culbertson, Glenn, Hoyt, Huber, Kileen, Linley, Monk, Randolph, Scott, Skogmo, Stevens, Teasdale, True, and White—14.

Noes—Senators Albers, Bichler, Burke, Cunningham, Kellogg, Martin A. E., Perry, Richards, Weigle, Weissleder, and Zophy—11.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Husting, Martin H. C., Snover, and Tomkins—7.

And so the decision of the chair was sustained.

No. 566, S.

Ordered engrossed and read a third time.

No. 41, S.,

A bill to repeal section 4969 of the statutes, and to amend subsections 1 and 3 of section 4966 of the statutes, relating to commitments of minors to industrial schools.

Senator Weissleder moved that the bill be re-referred committee on State Affairs,
Which motion was lost.

The president called Senator Scott to the chair.

Substitute amendment No. 1, S.

The question was, Shall the substitute amendment be adopted?
The ayes and noes were demanded, and the vote was: 21
noes, 22; absent or not voting, 7, as follows:

Ayes—Senators Burke, Kellogg, and White—3.

Noes—Senators Bichler, Culbertson, Cunningham, Hoyt, Huber, Kileen, Linley, Martin A. E., Martin H. C. Perry, Randolph, Richards, Scott, Skogmo, Stevens, True, Weigle, Weissleder, and Zophy—22.

Absent or not voting—Senators Ackley, Albers, Bishop, Hard, Hustung, Snover, and Tomkins—7.

And so the substitute amendment was refused adoption.

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: 21
noes, 3; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Burke, Culbertson, Cunningham, Hoyt, Huber, Kileen, Linley, Martin A. E., Martin H. C. Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—23.

Noes—Senators Glenn, Kellogg, and White—3.

Absent or not voting—Senators Ackley, Bishop, Boon, Hustung, Snover, and Tomkins—6.

And so the bill was indefinitely postponed.

Senator Zophy moved that the vote by which No. 41, S. was indefinitely postponed, be reconsidered.

Which motion was lost.

The president pro tempore resumed the chair.

No. 55, S.,

A bill to amend section 1220 of the statutes, relating to the fees of life insurance companies, and to repeal section 1220 of the statutes, and all other acts conflicting with this act.

The president called Senator Bichler to the chair.

Substitute amendment No. 1, S.

The question was, Shall the substitute amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 13; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Richards, Scott, Weigle, and Weissleder—12.

Noes—Senators Culbertson, Cunningham, Huber, Martin H. C., Monk, Perry, Randolph, Skogmo, Stevens, Teasdale, True, White, and Zophy—13.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Husting, Snover, and Tomkins—7.

And so the substitute amendment was refused adoption.

Substitute amendment No. 2, S.

The question then was, Shall the substitute amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 14; noes, 11; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Glenn, Hoyt, Kileen, Linley, Martin A. E., Perry, Richards, Scott, Skogmo, Weigle, Weissleder, and White—14.

Noes—Senators Culbertson, Cunningham, Huber, Kellogg, Martin H. C., Monk, Randolph, Stevens, Teasdale, True, and Zophy—11.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Husting, Snover, and Tomkins—7.

And so the substitute amendment was adopted.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 17; absent or not voting, 7, as follows:

Ayes—Senators Culbertson, Huber, Martin H. C., Randolph, Teasdale, True, White, and Zophy—8.

Noes—Senators Albers, Bichler, Cunningham, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Richards, Scott, Skogmo, Stevens, Weigle, and Weissleder—17.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Burke, Husting, Snover, and Tomkins—7.

And so the senate refused to indefinitely postpone the bill.

Thereby ordered engrossed and read a third time.

Senator Weigle asked unanimous consent, that all rules interfering be suspended, and the bill be placed upon its passage at this time.

Senator Randolph objected.

Senator Weigle then moved that all rules interfering be suspended and the bill be placed upon its passage at this time.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 16; noes, 9; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Culbertson, Cunningham, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Perry, Scott, Stevens, Weigle, Weissleder, and White—16.

Noes—Senators Huber, Martin H. C., Monk, Randolphs, Skogmo, Teasdale, True, and Zophy—9.

Absent or not voting—Senators Ackley, Bishop, Burke, Husting, Snover, and Tomkins—7.

And so the senate refused to suspend the rules.

No. 118, S.

Amendment No. 2, S., was refused adoption.
Indefinitely postponed.

No. 307, S.,

Indefinitely postponed.

Read second time.

No. 384, S.,

No. 446, S., and

No. 549, S.,

Were severally indefinitely postponed.

No. 459, S.,

A bill to create sections 959—41p and 959—41q of the code relating to police and fire commissioners in cities of the first class.

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: ayes, 15; noes, 8, as follows

Ayes—Senators Hoyt, Kileen, Martin H. C., Perry, Richards, Teasdale, White, and Zophy—9.

Noes—Senators Bichler, Culbertson, Cunningham, Huber, Kellogg, Linley, Martin A. E., Monk, Scott, Stevens, True, Weigle, and Weissleder—15.

Absent or not voting—Senators Ackley, Albers, Bishop, Burke, Husting, Snover, and Tomkins—8.

And so the amendment was refused adoption.

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: ayes, 14; noes, 10; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Culbertson, Cunningham, Hoyt, Huber, Kellogg, Kileen, Monk, Scott, Skogmo, True, and Weissleder—14.

Noes—Senators Glenn, Linley, Martin A. E., Marshall, Perry, Randolph, Teasdale, Weigle, White, and Zophy—10.

Absent or not voting—Senators Ackley, Bishop, Burke, Husting, Richards, Snover, and Tomkins—8.

And so the bill was indefinitely postponed.

No. 503, S.

Upon motion of Senator Zophy,
Laid over to Thursday, June 26, 1913.

No. 564, S.,

Re-referred to committee on Finance under the rules.

Jt. Res. No. 50, S.

Senator Skogmo moved that the joint resolution be laid over until Thursday, June 26, 1913.

Which motion was lost.

The joint resolution was indefinitely postponed.

Senator White moved that the vote by which Jt. Res. No. 50, was indefinitely postponed, be reconsidered.

Which motion was lost.

ILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. 137, A.

A bill to authorize cities of the first class to regulate steam engines and boilers and to license operators thereof.

Senator A. E. Martin moved that the bill be non-concurred in.

The ayes and noes were demanded, and the vote was: Ayes, 20; Nays, 5; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bichler, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Stevens, Teasdale, Weigle, and Weissleder—20.

Noes—Senators Hoyt, Randolph, Skogmo, White, and Zophy—7.

Absent or not voting—Senators Ackley, Bishop, Bosshard, Husting, Snover, Tomkins, and True—7.

And so the bill was non-concurred in.

Senator Perry moved that the vote by which the bill was non-concurred in, be reconsidered.

Which motion was lost.

Senator Richards moved that the senate take a recess until 7:30 o'clock p. m.

The ayes and noes were demanded, and the vote was: Ayes, 7; Nays, 17; absent or not voting, 8, as follows:

Ayes—Senators Hoyt, Linley, Randolph, Richards, Scott, Skogmo, and Zophy—7.

Noes—Senators Albers, Bichler, Burke, Culbertson, Cunningham, Glenn, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Stevens, Teasdale, Weigle, Weissleder, and White—17.

Absent or not voting—Senator Ackley, Bishop, Bosshard, Huber, Husting, Snover, Tomkins, and True—8.

And so the senate refused to take a recess.

No. 206, A.,

A bill to create section 1636—202 of the statutes, relating to a State athletic commission.

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was
noes, 18; paired, 6; absent or not voting, 3, as follows.

Ayes—Senators Culbertson, Hoyt, Monk, Randolph
dale—5.

Noes—Senators Albers, Bichler, Burke, Cunningham,
Huber, Kileen, Linley, Martin A. E., Martin H.
Richards, Skogmo, Stevens, Weigle, Weissleder,
Zophy—18.

Paired—Senators Bishop, Kellogg, and Snover for
Senators Scott, Tomkins, and True against the bill—6.

Absent or not voting—Senators Ackley, Bosshard, and
—3.

And so the amendment was refused adoption.

The question then was, Shall the bill be ordered to a
reading?

The ayes and noes were demanded, and the vote was
noes, 11; paired, 6; absent or not voting, 3, as follows.

Ayes—Senators Albers, Bichler, Burke, Cunningham,
Martin A. E., Perry, Richards, Stevens, Weigle, We
White—12.

Noes—Senators Culbertson, Glenn, Hoyt, Huber, Lin
H. C., Monk, Randolph, Skogmo, Teasdale, and Z

Paired—Senators Bishop, Kellogg and Snover for
Senators Scott, Tomkins and True against the bill—6.

Absent or not voting—Senator Ackley, Bosshard, and
—3.

And so the bill was ordered to a third reading.

Senator Weissleder asked unanimous consent that a
interfering be suspended and the bill be placed upon
concurrence at this time.

Senator Randolph objected.

Senator Weissleder then moved that all rules interfere
pended and the bill be placed upon its concurrence at

The ayes and noes were required, and the vote was
noes, 11; paired, 6; absent or not voting, 4, as follows.

Ayes—Senators Albers, Bichler, Cunningham, Kil
A. E., Perry, Richards, Stevens, Weigle, Weissleder
—11.

Noes—Senators Culbertson, Glenn, Hoyt, Huber, I
tin H. C., Monk, Randolph, Skogmo, Teasdale, and

Paired—Senators Bishop, Kellogg and Snover for su
the rules; Senators Scott, Tomkins and True, against—

Absent or not voting—Senators Ackley, Bosshard
Husting—4.

And so the senate refused to suspend the rules.

COMMITTEE REPORT.

The committee on State Affairs report and recommend:

No. **211, A.,**

Adoption of amendment No. 1, S., and concurrence.

No. **320, A.,**

Concurrence.

Ut. Res. No. 60, S.,

Adoption,

No. **386, S.,**

Passage.

No. **512, S.,** and

No. **565, S.,**

Indefinite postponement.

M. F. WHITE,
Chairman.

RECESS.

Senator Stevens moved that the senate take a recess until 7:30
o'clock p. m.

A division was called for, and

The motion prevailed.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **341, S.,**

No. **490, S.,**

No. **513, S.,**

No. **514, S.,**

No. **543, S.,**

No. **574, S.,** and

No. **586, S.,**

Correctly enrolled at 2:05 o'clock p. m., and

No. **143, S.,**

No. **481, S.,** and

No. **569, S.,**

Correctly enrolled at 4:50 o'clock p. m.

EVENING SESSION.

7:30 O'Clock.

The senate was called to order by the president pro

COMMITTEE REPORT.

The joint committee on Finance report and recommend

No. **84, S.**,

Adoption of substitute amendment No. 1, S., and passage,

No. **559, S.**,

Rejection of amendment No. 1, S., and passage, dissenting.

No. **146, S.**,

No. **591, S.**, and

No. **592, S.**,

Indefinite postponement.

G. E. SCOTT

The president appointed as committee of conference
131, A., Senators Teasdale, Monk, and Huber, and
1120, A., Senators White, Stevens, and Cunningham

Upon motion of Senator Ackley, and with unanimous consent,
 Rule 11 was suspended for this session.

SPECIAL ORDER FOR 7:30 O'CLOCK P.M.

No. **487, A.**,

A bill to appoint a special committee to investigate the forest reserve, to prohibit the purchase of forest reserve land until July 1, 1915, and making appropriation therefor.

Amendment No. 1, S., to substitute amendment No. 1.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was taken. Ayes, 23; absent or not voting, 8, as follows:

Ayes—Senator Scott—1.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., C., Monk, Perry, Randolph, Richards, Skogmo, Steadale, Weigle, Weissleder, White, and Zophy—23.

Absent or not voting—Senators Bishop, Bosshard, Bertson, Husting, Snover, Tomkins, and True—8.

And so the amendment was refused adoption.

The question then was, Shall the substitute amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 16; absent or not voting, 8, as follows:

Ayes—Senators Hoyt, Huber, Martin H. C., Monk, Randolph, Skogmo, and Zophy—8.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Glenn, Kellogg, Kileen, Linley, Martin A. E., Perry, Richards, Stevens, Teasdale, Weigle, Weissleder, and White—16.

Absent or not voting—Senator Bishop, Bosshard, Burke, Culbertson, Husting, Snover, Tomkins, and True—8.

And so the substitute amendment was refused adoption.

Senator Monk offered amendment No. 2, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 4; noes, 21; absent or not voting, 7, as follows:

Ayes—Senators Monk, Randolph, Skogmo, and Zophy—4.

Noes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Richards, Scott, Stevens, Teasdale, Weigle, Weissleder, and White—21.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Snover, Tomkins, and True—7.

And so the amendment was refused adoption.

The question then was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was: Ayes, 20; noes, 5; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Richards, Scott, Stevens, Teasdale, Weissleder, and White—20.

Noes—Senators Monk, Randolph, Skogmo, Weigle, and Zophy—5.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Snover, Tomkins, and True—7.

And so the bill was ordered to a third reading.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

Read second time.

No. **232, A.**,

A bill to amend section 1222—30 of the statutes, relating to the distribution of the street railway tax.

Senator Ackley moved that the bill be non-concurred in.

The ayes and noes were demanded, and the vote was: Ayes, 5; noes, 4; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Huber, Kellogg, Kileen, Linley, Martin A. E., Ma Perry, Randolph, Richards, Teasdale, Weigle, White, Zophy—18.

Noes—Senators Hoyt, Monk, Scott, and Skogmo. Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Snover, Stevens, Tomkins, White—10.

And so the bill was non-concurred in.

Senator Ackley moved that the vote by which the bill was non-concurred in, be reconsidered, Which motion was lost.

No. 522, A.

The question was, Shall substitute amendment be adopted?

A division was called for, and the substitute amendment adopted.

The question then was, Shall the bill be ordered for a third reading.

A division was called for, and the bill was ordered for a third reading.

No. 572, A.

Amendment No. 1, S., adopted.
Ordered to a third reading.

No. 617, A.,

A bill to repeal sections 1636—18 to 1636—30, in order to create sections 1636—18 to 1636—30 inclusive, and to amend sections 1636—30g of the statutes, relating to the regulation of barbers, providing a penalty,

The question was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was as follows: Ayes, 6; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Cunningham, G. Huber, Kellogg, Kileen, Martin A. E., Martin H. C. Scott, Skogmo, Stevens, Weigle, White, and Zophy—18.

Noes—Senators Ackley, Linley, Monk, Perry, T. Weissleder—6.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Randolph, Snover, Tomkins, and T. White—10.

And so the bill was ordered to a third reading.

No. 661, A.,

A bill to create section 925—52c of the statutes, relating to the powers and home rule in all cities of the state, to be incorporated.

Senator Richards moved that amendment No. 1, S., be adopted.

The ayes and noes were demanded, and the vote was as follows: Ayes, 16; absent or not voting, 10, as follows:

Ayes—Senators Glenn, Martin A. E., Richards, Weigle, Weissleder and Zophy—6.

Noes—Senators Ackley, Albers, Biehler, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Teasdale and White—16.

Absent or not voting—Senators Bishop, Bosshard, Burke, Culbertson, Husting, Randolph, Snover, Stevens, Tomkins and True—0.

And so the senate refused to reject the amendment, thereby rejecting it.

Senator A. E. Martin offered amendment No. 2, S.

Upon motion of Senator Weigle,

Laid over until Thursday, June 26, 1913.

No. 869, A.

Amendment No. 1, S., adopted.

Ordered to a third reading.

Upon motion of Senator Kileen,

All rules interfering, were suspended by unanimous consent, and

The bill was placed upon its final concurrence at this time.

No. 869, A.,

A bill to amend subsection 1 of section 1797m—74 of the statutes, relating to competing public utilities, and adding thereto instructions relating to physical connections between telephone systems,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes,

Noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Biehler, Burke, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, White, and Zophy—24.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Snover, Tomkins, True, and Weissleder—8.

And so the bill was concurred in.

Upon motion of Senator Teasdale,

All rules interfering, were suspended by unanimous consent, and

No. 869, A.,

Was ordered messaged to the assembly at once.

No. 1090, A.

Upon motion of Senator Teasdale,

Re-referred to the committee on Education and Public Welfare.

The president called Senator Bichler to the chair.

No. 1131, A.

Senator A. E. Martin moved that substitute amendment No. 1, S., be rejected.

Senator Weigle offered amendment No. 1, S., to substitute amendment No. 1, S.,

Which amendment was refused adoption.

The question then was, Shall the substitute amendment be rejected?

The ayes and noes were demanded, and the vote was—Ayes, 11; noes, 13; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burkham, Glenn, Martin A. E., Perry, Teasdale, Zephy—11.

Noes—Hoyt, Huber, Kellogg, Kileen, Linley, C., Monk, Randolph, Richards, Scott, Skogmo, Weissleder—13.

Absent or not voting—Senators Bishop, Bosshard, Huston, Husting, Snover, Stevens, Tomkins, and True—8.

And so the senate refused to reject the substitute amendment, thereby adopting it.

The question then was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was—Ayes, 13; absent or not voting, 8, as follows:

Ayes—Senators Huber, Kellogg, Kileen, Linley, Monk, Randolph, Scott, Skogmo, Weigle, and Weissleder—13.

Noes—Senators Ackley, Albers, Bichler, Burkham, Glenn, Hoyt, Martin A. E., Perry, Richards, White, and Zephy—8.

Absent or not voting—Senators Bishop, Bosshard, Huston, Husting, Snover, Stevens, Tomkins, and True—8.

And so the senate refused to order the bill to a third reading.

Senator A. E. Martin moved that the vote by which the bill was refused a third reading, be reconsidered.

Which motion was lost.

No. 507, A.,

No. 1089, A.,

Were severally ordered to a third reading.

REPORTS OF SPECIAL COMMITTEES.

The committee of Conference on bill No. **186, S.**, report and commend:

That the assembly recede from its position on amendment No. A.

H. C. MARTIN,
HOWARD TEASDALE,
M. W. PERRY,
E. C. MELAND,
I. N. STEWART,
E. H. KIEFER,
Committee.

ADJOURNMENT.

Upon motion of Senator Burke,
The senate adjourned.

WEDNESDAY, JUNE 9

10:00 O'CLOCK

The senate met.

The president pro tempore in the chair.

Prayer was offered by the Rev. J. W. Morgan.

The roll was called and the following senators answered names:

Senators Ackley, Albers, Bichler, Burke, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., H. C., Monk, Perry, Randolph, Richards, Scott, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy.

Absent—Senators Bosshard, Culbertson, Hustings, Tomkins, and White—6.

Absent with leave—Senator Bishop—1.

The journal of yesterday was approved.

Senator Bichler asked unanimous consent that all business pending be suspended and the message from the assembly be taken up at this time.

Senators Randolph and Skogmo objected.

Senator Bichler moved that the rules be suspended and the message from the assembly be taken up at this time.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 10; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Hoyt, Kellogg, Kileen, Martin A. E., Perry, Richards, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—15.

Noes—Senators Glenn, Huber, Linley, Martin H., Randolph, Scott, Skogmo, Teasdale, and True—1.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Hustings, Snover, Tomkins, and White—7.

And so the senate refused to suspend the rules.

Unanimous consent being given,

The senate returned to Order 4 on the calendar.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 62, S.,

Requesting the governor to return bills No. **295, S.**, and **461, S.**, for correction.

Resolved by the senate, the assembly concurring, That the governor be requested to return bills Nos. **295, S.**, and **461, S.**, for correction.

By Senator Burke.

Adopted.

Res. No. 30, S.,

Resolved, That the special committee on Conservation and Water Power is hereby directed to immediately report to the senate on all bills referred to it upon the subject of water powers, and also to report any proposed bills concerning water powers that it may have in preparation, and be it

Further resolved, That the 9th day of July, 1913, commencing at 10:30 o'clock a. m., is hereby set apart for the consideration of all water power legislation not before acted upon by the senate, and that the senate resolve itself into a committee of the whole at that time for said purpose.

By Senator Linley.

Upon motion of Senator Linley, with unanimous consent,

Laid over to Thursday, June 26, 1913.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the provisions of Joint Resolutions Nos. 61, S., and 32, S., I return herewith, for the purpose of amendment, bills Nos. **538, S.**, **295, S.**, and **461, S.**, respectively.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

June 25, 1913.

YESTERDAY'S CALENDAR..

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **1143, A.**,

A bill creating the Lake Superior and Mississippi river canal commission, prescribing its duties, and making an appropriation.

The question was, Shall the bill be ordered to third reading?

The ayes and noes were demanded, and the vote was: Ayes, 22; noes, 3; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Bichler, Burke, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Stevens, True, Weigle, Weissleder and Zophy—22.

Noes—Senators Albers, Linley, and Perry—3.

Absent or not voting—Senators Bishop, Bosshard, Husting, Snover, Tomkins, and White—7.

And so the bill was ordered to a third reading.

Senator Skogmo asked unanimous consent that all interfering be suspended, and the bill be placed upon its at this time.

Senator Perry objected.

Senator Skogmo moved that all rules interfering be and the bill be placed upon its final concurrence at the

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: noes, 10; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Cunningham, Glenn, Huber, Martin H. C., Randolph, Richards, Scott, Skogdale, True, and Zophy—14.

Noes—Senators Bichler, Burke, Kellogg, Kileen, Martin A. E., Monk, Perry, Weigle, and Weissleder—4.

Absent or not voting—Senators Bishop, Bosshard, Husting, Snover, Stevens, Tomkins, and White—8.

And so the senate refused to suspend the rules.

SPECIAL ORDER FOR 10:30 O'CLOCK A.

The president called Senator True to the chair.

No. 89, S.,

A bill to create sections 5790—1 to 5790—5, including statutes, relating to a hospital and school for the deformed children and making an appropriation therefor.

Was read a second time.

Senator Bichler moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: noes, 4; paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Randolph, Richards, Skogmo, Stevens, Teasdale, Weigle, and Weissleder—20.

Noes—Senators Glenn, Hoyt, Scott, and Zophy—4.

Paired—Senator White for the bill, Senator Huber for the bill—2.

Absent or not voting—Senators Bishop, Bosshard, Husting, Snover, and Tomkins—6.

And so the previous question was ordered.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was, Ayes, 12; noes, 12, paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Albers, Glenn, Hoyt, Kileen, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Teasdale, True, and Zophy—12.

Noes—Senators Ackley, Biehler, Burke, Cunningham, Kellogg, Linley, Perry, Randolph, Richards, Stevens, Weigle, and Weissleder—12.

Paired—Senator White for the bill, Senator Huber against the bill—2.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Snover, and Tomkins—6.

And so the senate refused to indefinitely postpone the bill.

The president stated that the question then was: "Shall the bill be ordered engrossed and read a third time?"

Senator Randolph rose to a point of order that under the practice of the senate a refusal to indefinitely postpone ordered the bill engrossed and read a third time."

The president held that the vote, being a tie vote, the bill was not thereby ordered engrossed and read a third time, and that the point of order was not well taken.

The question was, Shall the bill be ordered engrossed and read a third time?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 11; paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Biehler, Burke, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Perry, Randolph, Richards, Stevens, and Weissleder—13.

Noes—Senators Albers, Glenn, Hoyt, Martin H. C., Monk, Scott, Skogmo, Teasdale, True, Weigle, and Zophy—11.

Paired—Senator White for the bill, Senator Huber against the bill—2.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Husting, Snover, and Tomkins—6.

And so the bill was ordered engrossed and read a third time.

RECESS.

Senator Biehler moved that the senate take a recess until 2:00 o'clock p. m.

Senator Monk moved to amend the motion by making the time 7:30 o'clock p. m.

Senator Biehler moved that the amendment be amended to make the time 2:30 o'clock p. m.

The question was, Shall the amendment to the amendment be adopted?

The ayes and noes were demanded, and the vote was noes, 17; absent or not voting, 7, as follows,

Ayes—Senators Ackley, Bichler, Burke, Kellogg, E., Perry, Stevens, and Zophy—8.

Noes—Senators Albers, Cunningham, Glenn, Ho Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Skogmo, Teasdale, True, Weigle, and Weissleder—17.

Absent or not voting—Senators Bishop, Bosshard, Hustling, Snover, Tomkins, and White—7.

And so the amendment was refused adoption.

The question then was, Shall the amendment making 7:30 o'clock p. m., be adopted?

The ayes and noes were demanded, and the vote was: noes, 11; absent or not voting, 8, as follows:

Ayes—Senators Glenn, Hoyt, Huber, Kileen, Linley, H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Weigle—13.

Noes—Senators Ackley, Bichler, Burke, Cunningham, Martin A. E., Perry, Richards, Stevens, Weissleder, and White—11.

Absent or not voting—Senators Albers, Bishop, Bosshard, Hustling, Snover, Tomkins, and White—8.

And so the amendment was adopted.

The motion, as amended, prevailed, and the senate adjourned until 7:30 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **103, S.**,

No. **201, S.**,

No. **294, S.**,

No. **408, S.**,

No. **532, S.**, and

No. **584, S.**,

Correctly enrolled at 1:15 o'clock p. m., and

No. **55, S.**,

No. **256, S.**, and

No. **426, S.**,

Correctly engrossed.

EVENING SESSION

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

 COMMITTEE REPORT.

The committee on Education and Public Welfare report and commend:

No. **182, S.**,

Indefinite postponement. (The committee further recommend that the subject matter of this bill be investigated by the state superintendent and that a report upon the same be made to the legislature at its next regular session).

No. **478, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **803, A.**,

Adoption of amendment No. 1, S., and concurrence.

No. **839, A.**,

Non-concurrence, Senators Teasdale and Albers dissenting.

No. **739, A.**,

No. **797, A.**, and

No. **1053, A.**,

Concurrence.

HOWARD TEASDALE,
Chairman.

Senator Bichler asked that unanimous consent be given to return to Order 10 on the calendar.

Senator Skogmo objected.

Upon motion of Senator A. E. Martin, and with unanimous consent,

No. **748, A.**,

Was laid over until Tuesday, July 1, 1913.

Upon request of Senator Bichler,

the senate returned to Order 10 on the calendar.

 MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

am directed to inform you that the assembly has concurred

. Res. No. 61, S., and

. Res. No. 62, S.

Returns to the senate, as per request,
No. **961, A.**, and
No. **1162, A.**,

Requests the return of
No. **748, A.**

Has non-concurred in paragraph one of amendment
has concurred in paragraph 2 of amendment No. 1,
No. **19, A.**

Has non-concurred in amendment No. 1, S., to
No. **372, A.**

Has agreed to a committee of conference, and has
such committee, Messrs. Rosa. Dorn and Vint, to
No. **356, A.**

Has agreed to a committee of conference, and has
such committee, Messrs. Aug. Dietrich, Jacob Dietrich
to
No. **1180, A.**

Has concurred in
Jt. Res. No. 57, S.,
No. **570, S.**
No. **567, S.**,
No. **540, S.**, and
No. **562, S.**

Has amended, and concurred in, as amended,
No. **552, S.**

Has non-concurred in
No. **12, S.**, and
No. **582, S.**

Has adopted the report of the committee of conference
cedes from its position on amendment No. 1, A.,
concurred in,
No. **186, S.**

Upon motion of Senator A. E. Martin, and with un-
sent,

Rule 11 was suspended for this session.

ASSEMBLY MESSAGE CONSIDERED

Upon request of Senator Bichler,
All rules interfering, were suspended by unanimous
and
No. **552, S.**,
Was considered at this time.
No. **552, S.**
Substitute amendment No. 2, A., was concurred in

Senator Weissleder moved that the request of the assembly for return of No. **748, A.**, be taken up and considered at this

The president ruled the motion out of order, because the bill had been laid over until Tuesday, July 1, 1913, and the request was filed with the bill.

YESTERDAY'S CALENDAR.

SENATE RESOLUTIONS TO BE ORDERED TO A THIRD READING.

The president called Senator Randolph to the chair.

He read the bill a second time.

SEN. 384, A.,

Bill to create section 1435f—25 of the statutes, relating to the practice of optometry.

The question was, Shall the bill be non-concurred in?

Ayes and noes were demanded, and the vote was: Ayes, 14; absent or not voting, 9, as follows:

Ayes—Senators Albers, Glenn, Hoyt, Kellogg, Monk, Perry, Stevens, Teasdale, and Weissleder—9.

Noes—Senators Ackley, Bichler, Cunningham, Huber, Kileen, Linley, Martin A. E., Martin H. C., Randolph, Richards, Scott, Skogmo, True, and Zophy—14.

Absent or not voting—Bishop, Bosshard, Burke, Culbertson, Dyer, Snover, Tomkins, Weigle, and White—9.

And so the senate refused to non-concur in the bill, thereby bringing it to a third reading.

Senator Zophy moved that the vote by which the senate refused to non-concur in No. **384, A.**, be reconsidered,

which motion prevailed.

After the president had announced the result of the vote, Senator Bichler asked for a division.

Senator Monk rose to a point of order that a division could not be held after the result of the vote had been announced.

The president held the point of order well taken.

Senator Bichler moved the previous question.

The question was, Shall the main question be now put?

Ayes and noes were required, and the vote was: Ayes, 24; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—24.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, bertson, Husting, Snover, Tomkins, and White—8.

And so the main question was ordered to be now put.

The question then was, Shall the bill be non-concur.

The ayes and noes were demanded, and the vote was noes, 14; absent or not voting, 8. as follows:

Ayes—Senators Albers, Glenn, Hoyt, Kellogg, M Stevens, Teasdale, Weigle, and Weissleder—10.

Noes—Senators Ackley, Bichler, Cunningham, Hu Linley, Martin A. E., Martin H. C., Randolph, Rich Skogmo, True, and Zophy—14.

Absent or not voting—Senators Bishop, Bosshard, bertson, Husting, Snover, Tomkins, and White—8.

And so the senate refused to non-concur in the ordering it to a third reading.

Senator Skogmo moved that the vote by which N was ordered to a third reading, be reconsidered, and mous consent that the motion lie over until tomorrow.

Senator Kileen objected.

Senator Skogmo then moved that the motion lie Thursday, June 27, 1913.

Five senators who had voted with the majority, s motion, and the motion to reconsider was laid over until June 27, 1913.

The president pro tempore resumed the chair.

No. 702, A.,

A bill to create section 1636—240 of the statutes, regulation of hotels, rooming houses and restaurants i and providing penalties, and making an appropriation

The question was, Shall the bill be non-concurred i

The ayes and noes were demanded, and the vote wa noes, 13; absent or not voting, 11, as follows:

Ayes—Senators Bichler, Glenn, Kellogg, Kileen, M Perry, Stevens, and Weigle—8.

Noes—Senators Ackley, Cunningham, Hoyt, Linl H. C., Monk, Richards, Scott, Skogmo, Teasdale, T leder, and Zophy—13.

Absent or not voting—Senators Albers, Bishop, Burke, Culbertson, Huber, Husting, Randolph, Snove and White—11.

And so the senate refused to non-concur in the b ordering it to a third reading.

No. 1005, A.

The question was, Shall the bill be non-concurred in A division was called for, and the bill was non-conc

S. 1060, A.,
non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

S. 142, S.,

bill to create section 496c—2 of the statutes, relating to a
course of agriculture and domestic science in high schools
making an appropriation therefor,
was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21;
noes, none; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Glenn,
Huber, Kellogg, Linley, Martin A. E., Martin H. C.,
Perry, Scott, Skogmo, Stevens, Teasdale, True, Weigle,
Wesler, and Zophy—21.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Burke, Cul-
ton, Husting, Kileen, Randolph, Richards, Snover, Tomkins,
White—11.

And so the bill was passed.

S. 452, S.,

bill to revise and amend chapter 20 of the statutes, relating
to public printing,
was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21;
noes, none; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Glenn,
Huber, Kellogg, Linley, Martin A. E., Martin H. C.,
Perry, Scott, Skogmo, Stevens, Teasdale, True, Weigle,
Wesler, and Zophy—21.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Burke, Cul-
ton, Husting, Kileen, Randolph, Richards, Snover, Tomkins,
White—11.

And so the bill was passed.

S. 542, S.,

was read a third time, and passed.

Senator A. E. Martin moved that

S. 555, S., and

S. 556, S.,

be laid over until Wednesday, July 2, 1913.

A division was called for and the motion prevailed.

S. 563, S.,

bill to create subdivision 5a of section 430 of the statutes,
relating to powers of electors and validating applications for loans

from the trust funds of the state authorized and made the passage of chapter 302, laws of 1913,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Linley, Martin A. E., M. Monk, Perry, Randolph, Scott, Skogmo, Stevens, Te Weigle, Weissleder, and Zophy—22.

Noes—None.

Absent or not voting—Bishop, Bosshard, Burke, Hustling, Kileen, Richards, Snover, Tomkins, and W.

And so the bill was passed.

No. 578, S.

Senator Weigle rose to a point of order that the same as an assembly bill previously considered and read in senate.

Senator Ackley rose to a point of order that the point Senator Weigle, to hold, should have been raised not when the bill was on its second reading.

The president held the point of order by Senator taken, but stated that he would rule also on the point raised by Senator Weigle.

The president held the point of order raised by Senator not well taken, reading the following from Jeffers: "A bill begun in one house, and sent to the other, and rejected, may be renewed again in that other, passed and

No. 578, S.,

A bill to provide for representation by the state of the Exposition to be held at Christiania, Norway, in 1914, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was noes, 7; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Cunningham, Glenn, H. Linley, Martin H. C., Richards, Scott, Skogmo, S. dale, True, Weigle, Weissleder, and Zophy—16.

Noes—Senators Albers, Bichler, Kellogg, Martin A. Perry, and Randolph—7.

Absent or not voting—Senators Bishop, Bosshard, bertson, Hustling, Kileen, Snover, Tomkins, and W.

And so the bill was passed.

Jt. Res. No. 55, S.

Upon motion of Senator Skogmo, and with unanimous vote,
Laid over until Thursday, June 26, 1913.

No. 170, A.,

bill to create sections 1089l, 1089m, 1089n, and 1089o; and amend sections 1081, 1090, 1130, 1089, 1110, 1121, 1135, 5, 1146, and 1079 of the statutes, relating to the time for the payment of taxes,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Glenn, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—23.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Burke, Culson, Husting, Kileen, Snover, Tomkins, and White—9.

And so the bill was concurred in.

No. 194, A.

Upon motion of Senator Teasdale,
Laid over until Friday, June 27, 1913.

No. 213, A.

bill to amend section 1087—1 and subsection 2 of section 1087; to create subdivision (7) of section 1087—4; to repeal subdivisions 1 and 4 of section 1087—5; to create a new subsection of section 1087—5 to be numbered subsection 1; to create subsection 2 of section 1087—8; to amend subsection 2 of section 1087—11; to repeal section 1087—11m; to amend subsection 3 of section 1087—12 and subsection 1 of section 1087—13; to repeal subsections 1, 4, 5, and 6 of section 1087—13; to amend sections 1087—15 and 1087—16; to repeal subsection 1 of section 1087—17; to create a new subsection 1087—17 to be numbered subsection 1; to amend subsection 3 of section 1087—17 and subsections 1, 2, 3, 4, 5, and 6 of section 1087—18; to create subsection 7 of section 1087—18 to amend sections 1087—21; 3813a, 3818, and 162 of the statutes, relating to the inheritance tax,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 2; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Bichler, Cunningham, Glenn, Hoyt, Huber, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, True, Weigle, Weissleder, and Zophy—21.

Noes—Senators Albers and Perry—2.

Absent or not voting—Senators Bishop, Bosshard, Burke, Culson, Husting, Kileen, Snover, Tomkins, and White—9.

And so the bill was concurred in.

No. 543, A.,

A bill to create section 1320a of the statutes, bridges across meandered streams and making an appropriation therefor.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: ayes, 10; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Linley, Martin A. E., Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, True, Weigle, Weissleder, and Zophy—23.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Hustling, Kileen, Snover, Tomkins, and Whitcomb—9.

And so the bill was concurred in.

No. 866, A.,

A bill to repeal sections 959—53, 959—54, 959—55, 959—57, 959—58, 959—59 and 959—59m of the statutes, and to create sections 959—53, 959—54, 959—55, 959—56, 959—57, 959—58, and 959—59 of the statutes, relating to the licensing of plumbers and the supervision and regulation of plumbing, and providing a penalty, and making an appropriation therefor.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: ayes, 10; noes, 6; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Bichler, Cunningham, Culbertson, Huber, Linley, Martin H. C., Randolph, Richards, Scott, Stevens, True, Weigle, Weissleder, and Zophy—17.

Noes—Senators Albers, Kellogg, Martin A. E., Monk, and Teasdale—6.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Hustling, Kileen, Snover, Tomkins, and Whitcomb—9.

And so the bill was concurred in.

No. 890, A.,

A bill to create sections 553q—1 to 553q—5 of the statutes, relating to state aid to county traveling schools of agriculture, and making an appropriation therefor.

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: ayes, 10; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Linley, Martin A. E., Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, True, Weigle, Weissleder, and Zophy—23.

Noes—None.

Absent or not voting—Senators Bishop, Bosshard, Culbertson, Hustling, Kileen, Snover, Tomkins, and Whitcomb—9.

And so the bill was concurred in.

No. **1047, A.**,

A bill to amend section 1248 of the statutes, relating to credit labor on highways; to repeal section 1258 of the statutes, and create a new section of the statutes, to be numbered section 1258, relating to the compensation of highway commissioners,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22;

Noes, 1; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Biehler, Cunningham, Glenn, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Weigle, Weissleder, and Zophy—22.

Noes—Senator Hoyt—1.

Absent or not voting—Senators Bishop, Bosshard, Burke, Culbertson, Husting, Kilken, Snover, Tomkins, and White—9.

And so the bill was concurred in.

No. **824, A.**, and

No. **1075, A.**,

Were severally read a third time and concurred in.

PLACED AT FOOT OF CALENDAR.

No. **490, A.**

Upon motion of Senator Randolph, and with unanimous consent, Laid over to Thursday, June 26, 1913.

ADJOURNMENT.

Upon motion of Senator Randolph, and with unanimous consent,

The senate adjourned until 9:00 o'clock a. m. tomorrow.

BILLS FOR REVISION.

With unanimous consent, Senator Burke filed one bill, Senator Ackley filed two bills, and Senator Monk filed one bill for revision at the clerk's desk.

THURSDAY, JUN
9:00 O

The senate met.

The president and president pro tempore being absent.

The senate was called to order by the chief clerk.

Upon motion of Senator Randolph,

Senator Teasdale was elected to preside for this session.

Prayer was offered by the Rev. Allen L. Nettlemast, Methodist Church of Lodi, Wisconsin.

The roll was called and the following senators answered in

names:
Senators Ackley, Albers, Bichler, Bosshard, Burroughs, Glenn, Hoyt, Huber, Husting, Kellogg, Ketchum, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, White, and Zophy—28.

Absent—Senators Snover and Weigle—2.

Absent with leave—Senators Bishop and Culbertson.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Weissleder for the day, July 1, 1913.

YESTERDAY'S CALENDAR.

BILLS AND RESOLUTIONS READY FOR RECONSIDERATION.

No. **292, S.**

Upon motion of Senator Bosshard,

Placed at the foot of Order 14 on the calendar.

Read second time.

No. **518, S.,**

No. **583, S.,** and

No. **587, S.,**

Were severally ordered engrossed and read a third time.

No. 548, S.

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. 554, S.

Substitute amendment No. 1, S., adopted,

Ordered engrossed and read a third time.

No. 34, S.

A bill to create section 1550m of the statutes, relating to the sale of intoxicating liquors and providing a penalty therefor.

Amendment No. 1, S., to substitute amendment No. 1, S., withdrawn by Senator Skogmo, with unanimous consent.

Substitute amendment No. 1, S., withdrawn by Senator Teasdale, with unanimous consent.

Substitute amendment No. 2, S.

Senator Skogmo offered amendment No. 1, S., to substitute amendment No. 2, S.

The question was, Shall amendment No. 1, S., to substitute amendment No. 2, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 11, noes, 13; paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Bosshard, Husting, Linley, Monk, Randolph, Scott, Skogmo, Teasdale, True, Weissleder, and Zophy—11.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Perry, Richards, Tomkins, and White—13.

Paired—Senator Stevens for the bill, Senator Bishop against the bill—2.

Absent or not voting—Senators Burke, Culbertson, Glenn, Martin H. C., Snover, and Weigle—6.

And so the amendment was refused adoption.

The question then was, Shall substitute amendment No. 2, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 14; paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Bosshard, Husting, Linley, Monk, Randolph, Scott, Skogmo, Teasdale, True, and Zophy—10.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Perry, Richards, Tomkins, Weissleder, and White—14.

Paired—Senator Stevens for the bill, Senator Bishop against the bill—2.

Absent or not voting—Senators Burke, Culbertson, Glenn, Martin H. C., Snover, and Weigle—6.

And so the substitute amendment was refused adoption,

Senator White moved that the vote by which substitute amendment No. 2, S., was refused adoption, be reconsidered.

A division was called for and the motion was lost.

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was ayes, 7; paired, 2; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Ham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., M. Richards, Tomkins, True, Weissleder, and White—11.

Noes—Senators Husting, Linley, Randolph, Scott, Teasdale, and Zophy—7.

Paired—Senator Stevens for the bill, Senator Bishop for the bill—2.

Absent or not voting—Senators Burke, Culbertson, Martin H. C., Snover, and Weigle—6.

And so the bill was indefinitely postponed.

Senator White moved that the vote by which No. 188 was indefinitely postponed be reconsidered,

Which motion was lost.

No. **44, S.**,

No. **521, S.**,

No. **573, S.**, and

No. **580, S.**,

Were severally indefinitely postponed.

No. **188, S.**

Senator Weissleder moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was ayes, 21; noes, 5; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Cunningham, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Randolph, Richards, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—21.

Noes—Senators Ackley, Burke, Monk, Scott, and Stevens—5.

Absent or not voting—Senators Bishop, Culbertson, Martin H. C., Snover, and Weigle—6.

And so the main question was ordered to be now put.

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was ayes, 14; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Kellogg, Kileen, Monk, Perry, Stevens, True, and White—14.

Noes—Senators Bosshard, Cunningham, Glenn, Hoyt, Martin A. E., Randolph, Richards, Scott, Skogmo, Tomkins, Weissleder, and Zophy—14.

Absent or not voting—Senators Bishop, Culbertson, Martin H. C., Snover, and Weigle—6.

And so the senate refused to indefinitely postpone thereby ordering it engrossed and read a third time.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

Read second time.

No. **429, A.**

Substitute amendment No. 1, S., adopted.

Ordered to a third reading.

No. **754, A.,**

A bill to amend section 4601—1a of the statutes, relating to the sale of syrups, molasses, glucose mixtures, and maple syrup mixtures.

Senator Kellogg offered amendment No. 1, S.

The president called Senator Zophy to the chair.

amendment No. 1, S., to No. **754, A.**

ffered by Senator Kellogg.

and the printed substitute amendment by inserting after the word "glucose" where the same occurs in line 4, the words "or corn syrup".

he amend by inserting after the word "glucose" where the same occurs in line 7, the words "or corn syrup".

unanimous consent, the clerk was directed to change the word "or", in each case, where it appears before the words "corn" to the word "and".

question was, Shall amendment No. 1, S., be adopted?

yes and noes were demanded, and the vote was: Ayes,

14; absent or not voting, 6, as follows:

Senators Ackley, Albers, Bichler, Bosshard, Burke, Kileen, Linley, Perry, Weissleder, White, and

12.

Senators Glenn, Hoyt, Huber, Husting, Kellogg, Martin

artin H. C., Monk, Randolph, Scott, Skogmo, Teasdale,

ns, and True—14.

or not voting—Senators Bishop, Culbertson, Richards,

Stevens, and Weigle—6.

And so the amendment was refused adoption.

Senator Perry moved that the bill be laid over until Tuesday,

uly 8, 1913.

Senator Randolph moved the previous question on the motion to

over.

The question was, Shall the main question be now put?

The yes and noes were required, and the vote was: Ayes, 17;

noes, 8; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Cunningham, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin

H. C., Perry, Randolph, Stevens, Tomkins, Weissleder, White,

and Zophy—19.

Noes—Senators Glenn, Hoyt, Huber, Monk, Scott, Teasdale, and True—8.

Absent or not voting—Senators Bishop, Culbertson, Snover, and Weigle—5.

And so the main question was ordered to be now put.

The question then was, Shall the bill be laid over until July 8, 1913?

The ayes and noes were demanded, and the vote was ayes, 16; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Biehler, Burke, C. Kellogg, Kileen, Linley, Martin A. E., Perry, and St.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Huston H. C., Monk, Randolph, Scott, Skogmo, Teasdale, True, Weissleder, White, and Zophy—16.

Absent or not voting—Senators Bishop, Culbertson, Snover, and Weigle—5.

And so the senate refused to lay the bill over.

The question then was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was ayes, 11; absent or not voting, 6, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Huston H. C., Monk, Randolph, Scott, Skogmo, Tomkins, True, and Zophy—15.

Noes—Senators Ackley, Albers, Biehler, Cunningham, Kileen, Martin A. E., Perry, Stevens, Weissleder, and

Absent or not voting—Senators Bishop, Burke, Richards, Snover, and Weigle—6.

And so the bill was ordered to a third reading.

MOTIONS.

Senator Tomkins moved that No. **748, A.**, be taken from Tuesday's calendar and placed at the foot of this calendar.

The president held the motion out of order, stating that no way such action could be taken would be by reconsideration by which the bill was laid over.

Senator Tomkins moved that all rules interfering be suspended and No. **748, A.**, be placed at the foot of this calendar.

The ayes and noes were required, and the vote was ayes, 11; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Biehler, Burke, C. Hoyt, Huston, Kellogg, Kileen, Martin A. E., Perry, Tomkins, Weissleder, White, and Zophy—16.

Noes—Senators Bosshard, Glenn, Huber, Linley, Monk, Randolph, Scott, Skogmo, Teasdale, and True.

Absent or not voting—Senators Bishop, Culbertson, Snover, and Weigle—5.

And so the senate refused to suspend the rules.

RECESS.

Upon motion of Senator Kileen,
The senate took a recess until 2 o'clock p. m.

BILLS FOR REVISION.

Senator Albers, for the committee on Education and Public Welfare, by unanimous consent, filed one bill for revision at the clerk's desk.

AFTERNOON SESSION.

2:00 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

YESTERDAY'S CALENDAR CONTINUED.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

Read second time.

No. **789, A.**,

No. **848, A.**,

No. **1170, A.**, and

No. **1171, A.**

Were severally ordered to a third reading.

No. **896, A.**

Substitute amendment No. 3, S., adopted.

Senator Linley moved that the vote by which substitute amendment No. 3, S., was adopted, be reconsidered.

A division was called for and the vote was reconsidered.

The question was, Shall the substitute amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 9; Noes, 13; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Hoyt, Kileen, Martin, C., Perry, Skogmo, and Tomkins—9.

Noes—Senators Bosshard, Cunningham, Glenn, Huber, Linley, Martin A. E., Richards, Scott, Stevens, Teasdale, True, White, Zophy—13.

Absent or not voting—Senators Bishop, Burke, Culbertson, Kellogg, Monk, Randolph, Snover, Weigle, and Weiss—10.

And so the substitute amendment was refused adoption.

The question then was, Shall the bill be ordered to a third reading?

A division was called for, and the bill was ordered to a third reading.

Senator Linley asked unanimous consent, that all being agreed, the bill be suspended, and the bill be placed upon its order for this time.

Senator Kileen objected.

Senator Linley then moved that all rules interposed be suspended, and the bill be placed upon its concurrence and passage.

The ayes and noes were required, and the vote was—Ayes, 11; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Cunningham, Glenn, Linley, Martin A. E., Monk, Randolph, Richards, S. White, and Zophy—14.

Noes—Senators Ackley, Albers, Bichler, Kellogg, Martin H. C., Perry, Skogmo, Teasdale, Tomkins, and True—7.

Absent or not voting—Senators Bishop, Burke, Hustling, Snover, Weigle, and Weissleder—7.

And so the senate refused to suspend the rules.

No. **394, A.**

No. **926, A.**, and

No. **1153, A.**

Were severally non-concurred in.

No. **512, A.**

A bill to amend section 2533b of the statutes, relating to the list.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was—Ayes, 9; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Cunningham, Hoyt, Huber, Kellogg, Kileen, Perry, Richards, S. Teasdale, and White—14.

Noes—Senators Bosshard, Linley, Martin A. E., Monk, Scott, Skogmo, Tomkins, and Zophy—9.

Absent or not voting—Senators Bishop, Burke, Hustling, Randolph, Snover, True, Weigle, and Weissleder—7.

And so the bill was non-concurred in.

READY FOR ENGROSSMENT.

No. **292, S.**

A bill to repeal sections 969 and 970 of the statutes, and to create section 969, of the statutes, relating to officers of the governor by and with the advice and consent of the senate.

Senator Bosshard offered amendment No. 1, S.,

Which amendment was adopted.

The question was, Shall the bill be ordered engrossed a third time?

The ayes and noes were demanded, and the vote was—Ayes, 6; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Cunningham, Glenn, Linley, Martin H. C., Monk, Perry, Randolph, and True—14.

ds, Scott, Skogmo, Stevens, Teasdale, Tomkins, White, and Zophy—19.

Noes—Senators Ackley, Albers, Bichler, Kellogg, Kileen, and Martin A. E.—6.

Absent or not voting—Senators Bishop, Burke, Culbertson, Huber, True, Weigle, and Weissleder—7.

And so the bill was ordered engrossed and read a third time.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **579, S.**,

Was read a third time, and passed.

No. **695, A.**, and

Jt. Res. No 66, A.,

Were severally read a third time, and concurred in.

No. **1168, A.**

Amendment No. 1, S., adopted.

The bill, as amended, was read a third time, and concurred in.

No. **1188, A.**,

A bill to appropriate to Charles Pressentin a sum of money therein named,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 25; noes, none; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, White, and Zophy—25.

Noes—None.

Absent or not voting—Senators Bishop, Culbertson, Husting, Huber, True, Weigle, and Weissleder—7.

And so the bill was concurred in.

Upon request of Senator A. E. Martin, and with unanimous consent,

No. **748, A.**, was taken from the calendar for Tuesday, July 9, and ordered placed upon the calendar for Wednesday, July 9, 1913.

TODAY'S CALENDAR.

MOTIONS.

Senator Cunningham asked unanimous consent that No. **89, S.**, taken from the calendar for Friday, June 27, and placed upon the calendar for Wednesday, July 9, 1913.

Senators Skogmo and Tomkins objected.

Senator Cunningham then moved that all rules in suspended, and that No. **89, S.**, be taken from the calendar for Friday, June 27, and placed upon the calendar for July 9, 1913.

The ayes and noes were required, and the vote was: ayes, 4; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Cunningham, Glenn, Hoyt, Kellogg, Kileen, Linley, E., Martin H. C., Monk, Perry, Randolph, Scott, True, White, and Zophy—21.

Noes—Senators Huber, Skogmo, Teasdale, and Tomkins—7.

Absent or not voting—Senators Bishop, Culbertson, Richards, Snover, Weigle, and Weissleder—7.

And so the rules were suspended.

The bill was ordered placed on the calendar for July 9, 1913.

Senator Linley asked unanimous consent that No. **11** be taken from the calendar for Friday, June 27, and placed on the calendar for Wednesday, July 9, 1913.

Senator Teasdale objected.

Senator Linley then moved that all rules interfering be suspended and the bill be laid over to July 9, 1913.

The ayes and noes were required, and the vote was: ayes, 7; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Cunningham, Hoyt, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Stevens, True, and White—16.

Noes—Senators Bichler, Burke, Huber, Kileen, Skogmo, Teasdale, and Tomkins—7.

Absent or not voting—Senators Bishop, Culbertson, Richards, Snover, Weigle, Weissleder, and Zophy—7.

And so the rules were suspended.

The question then was, Shall the bill be laid over until Friday, July 9, 1913?

The ayes and noes were demanded, and the vote was: ayes, 9; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Bosshard, Cunningham, Kellogg, Linley, Martin A. E., Martin H. C., Monk, Richards, Scott, Stevens, True, and White—16.

Noes—Senators Albers, Bichler, Burke, Huber, Kileen, Skogmo, Teasdale, and Tomkins—9.

Absent or not voting—Senators Bishop, Culbertson, Snover, Weigle, Weissleder, and Zophy—7.

And so the bill was laid over until Wednesday, July 10, 1913.

Upon request of Senator Monk, and with unanimous consent, No. **320, A.**,

A bill to repeal sections 1456, 1457 and 1458 of the statutes, and to create seven new sections of the statutes, to be known as the

sa, 1456b, 1457, 1457a, 1457b and 1458, relating to the state
of agriculture,

was taken up at this time.

The bill was read a second time.

The question was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded, and the vote was: Ayes, 7;

8, 18; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Glenn, Kellogg, Martin A. E.,

Stevens, White, and Zophy—7.

Noes—Senators Albers, Bichler, Burke, Cunningham, Hoyt,

Huber, Kileen, Linley, Martin H. C., Monk, Perry, Randolph,

Richards, Scott, Skogmo, Teasdale, Tomkins, and True—18.

Absent or not voting—Senators Ackley, Bishop, Culbertson,

Husting, Snover, Weigle, and Weissleder—7.

And so the senate refused to order the bill to third reading.

Senator Bichler moved that the vote by which the bill was re-

jected a third reading, be reconsidered,

Which motion was lost.

Upon request of Senator A. E. Martin, and with unanimous con-

sent,

Co. 661, A.,

A bill to create section 925—52c of the statutes, relating to ad-

ditional powers and home rule in all cities of the state, however

incorporated,

Was taken up at this time.

Read a second time.

Senator Zophy moved that amendment No. 2, S., be rejected,

The ayes and noes were demanded, and the vote was: Ayes, 20;

8, 5; absent or not voting, 7, as follows:

Ayes—Senators Albers, Bosshard, Glenn, Hoyt, Huber, Hust-

ing, Kileen, Linley, Martin H. C., Monk, Randolph, Richards,

Scott, Skogmo, Stevens, Teasdale, Tomkins, True, White, and

Zophy—20.

Noes—Senators Ackley, Burke, Kellogg, Martin A. E., and

Perry—5.

Absent or not voting—Senators Bichler, Bishop, Culbertson,

Cunningham, Snover, Weigle, and Weissleder—7.

And so the amendment was rejected.

Senator Skogmo offered amendment No. 3, S.,

Which amendment was adopted,

Senator A. E. Martin moved that the bill be non-concurred in.

The ayes and noes were demanded, and the vote was: Ayes, 12;

8, 15; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Burke, Cunningham, Glenn,

Hoyt, Kellogg, Kileen, Martin A. E., Perry, Stevens, and White

12.

Noes—Senators Bichler, Bosshard, Huber, Hustling, Linley,

Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Teas-

dale, Tomkins, True, and Zophy—15.

Absent or not voting—Senators Bishop, Culbertson, Weigle, and Weissleder—5.

And so the senate refused to non-concur in the ordering it to third reading.

Upon request of Senator Teasdale, and with unanimity,
No. **206, A.,**

A bill to create section 1636—202 of the statutes, state athletic commission,

Was taken up at this time.

Senator Zophy asked unanimous consent to offer an amendment.
Senator Teasdale objected.

Senator Zophy then moved that all rules interposed be suspended, and that the amendment be received.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was—ayes, 5; paired, 6; absent or not voting, 2, as follows.

Ayes—Senators Ackley, Albers, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Perry, Randolph, Skogmo, Stevens, True, White, and Zophy—19.

Noes—Senators Bichler, Huber, Martin H. C., and Teasdale—5.

Paired—Senators Bishop, Snover and Weigle for the bill; Senators Linley, Scott, and Tomkins against the bill—6.

Absent or not voting—Senators Culbertson and Weissleder—2.
And so the rules were suspended.

Senator Zophy offered amendment No. 2, S.,

Which amendment was adopted.

The bill was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was—ayes, 13; noes, 10; paired, 8; absent or not voting, 1, as follows.

Ayes—Senators Ackley, Albers, Bichler, Burke, Glenn, Kileen, Martin A. E., Perry, Richards, Stevens, and Zophy—13.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Martin H. C., Monk, Randolph, Teasdale, and True—10.

Paired—Senators Bishop, Snover, Weigle and Weissleder—8.
The bill; Senators Linley, Scott, Skogmo, and Tomkins against the bill—8.

Absent or not voting—Senator Culbertson—1.

And so the bill was concurred in.

Senator Bichler moved that the vote by which the bill was concurred in, be reconsidered.

The ayes and noes were demanded, and the vote was—ayes, 13; paired, 8; absent or not voting, 1, as follows.

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Martin H. C., Monk, Randolph, Teasdale, and True—13.

—Senators Ackley, Albers, Bichler, Burke, Cunningham, Egg, Kileen, Martin A. E., Perry, Richards, Stevens, White, Zophy—13.

—Senators Bishop, Snover, Weigle, and Weissleder for bill; Senators Linley, Scott, Skogmo, and Tomkins against bill—8.

—Senator Culbertson—1.

and so the senate refused to reconsider the vote.

Before the announcement of the vote, Senator Bosshard rose to point of order that a motion to reconsider was a motion collateral to the bill, and that Senator Skogmo, being paired on the bill only and not amendments" was not paired on the motion.

The president held that the motion to reconsider was a question solely upon the bill, and that Senator Skogmo, being paired on the bill, was paired on the motion to reconsider, just as he would be upon a motion to lay over, or otherwise act upon the bill, except to amend.

The senate returned to the regular order on the calendar.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

PRESIDENT:

I am directed to inform you that the assembly has agreed to a committee of conference, and has appointed on such committee, Messrs. Don C. Hall, Jennings and Zinn, to report.
O. **131, A.**

has agreed to a committee of conference, and has appointed on such committee, Messrs. Bowe, Hoverson and Paul, to report.
O. **1120, A.**

concurring in amendment No. 1, S., to
O. **869, A.**

has passed, and asks concurrence in,
O. **252, A.,**

O. **1190, A.,**

O. **1191, A.,**

O. **1192, A.,** and

O. **1193, A.**

has concurred in

O. **85, S.,**

O. **533, S.,**

O. **544, S.,**

O. **576, S.,**

O. **577, S.,** and

O. **590, S.**

has amended, and concurred in, as amended,

O. **192, S.,** and

O. **600, S.**

And has non-concurred in
 No. **485, S.**, and
 No. **551, S.**

ASSEMBLY MESSAGES CONSIDERED.

Read first time and referred.

No. **252, A.** To committee on Education and Public
 fare.

No. **1190, A.** To calendar.

No. **1191, A.** To calendar.

No. **1192, A.** To calendar.

No. **1193, A.** To committee on Corporations.

No. **490, A.**

Upon motion of Senator Glenn,
 Laid over until Monday, June 30, 1913.

RESOLUTIONS CONSIDERED.

Res. No. 30, S.

With unanimous consent, Senator Linley withdrew the
 tion.

LEAVE OF ABSENCE.

Upon request of Senator Ackley,
 Leave of absence was granted to Senator Cunningham
 Tuesday, July 8, 1913.

BILLS AND RESOLUTIONS READY FOR ENGRAMMENT.

No. **84, S.**,

A bill to repeal section 1087m—7; to amend subdivision
 subsection 2 of section 1087m—2, subsection 3 of section
 —2, subdivisions (a) and (e) of section 1087m—3, subd
 (a), (c) and (i) of section 1087m—4, subdivisions (d) and
 subsection 1 of section 1087m—5, section 1087m—9; and
 repeal subsection 2 of section 1087m—6 and to create a new
 tion 2 of section 1087m—6 of the statutes, relating to the
 tax.

Senator Scott, for the joint committee on Finance,
 amendment No. 1, S., to substitute amendment No. 1, S.

Which amendment was adopted.

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

Upon motion of Senator Scott,
All rules interfering, were suspended with unanimous consent,

No. **84, S.**,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 19;
noes, 2; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, White, and Zophy—19.

Noes—Senators Perry and Teasdale—2.

Absent or not voting—Senators Ackley, Bishop, Burke, Calhoun, Cunningham, Huber, Martin A. E., Snover, True, Weigle, and Weissleder—11.

And so the bill was passed.

The president called Senator Linley to the chair.

No. **386, S.**,

A bill to create section 1636—30t of the statutes, relating to inspection of moving picture films, reels, and stereopticon views by the industrial commission, and providing a penalty.

Read second time.

Senator Bosshard offered amendment No. 1, S., to substitute amendment No. 1, S.,

Which amendment was adopted.

The question was, Shall substitute amendment No. 1, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 16;
noes, 6; absent or not voting, 10, as follows:

Ayes—Senators Bichler, Bosshard, Glenn, Hoyt, Husting, Kellogg, Linley, Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, White, and Zophy—16.

Noes—Senators Ackley, Albers, Burke, Kileen, Perry, and Tomkins—6.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Huber, Martin A. E., Martin H. C., Snover, True, Weigle, and Weissleder—10.

And so the substitute amendment was adopted.

Senator White moved that all rules interfering, be suspended, and the bill be placed upon its final passage at this time.

The ayes and noes were required, and the vote was: Ayes, 15;
noes, 5; absent or not voting, 12, as follows:

Ayes—Senators Bichler, Bosshard, Glenn, Hoyt, Husting, Kellogg, Linley, Monk, Randolph, Richards, Scott, Stevens, Tomkins, White, and Zophy—15.

Noes—Senators Ackley, Albers, Burke, Kileen, and
 Absent or not voting—Senators Bishop, Culbertson,
 ham, Huber, Martin A. E., Martin H. C., Skog
 Teasdale, True, Weigle, and Weissleder—12.

And so the rules were suspended.

No. **386, S.**,

Was read a third time.

The question was, Shall the bill pass?

A division was called for, and the bill was passed.

MOTIONS.

Upon motion of Senator Kileen, and with unanim

No. **487, A.**, on today's calender, and ~~—~~

No. **728, A.**, on tomorrow's calendar,

Were laid over until Tuesday, July 8, 1913.

RECESS.

Upon motion of Senator Perry,

The senate took a recess until 7:30 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **153, S.**, and

No. **552, S.**,

Correctly enrolled at 4:35 o'clock p. m., and

No. **292, S.**,

No. **548, S.**,

No. **554, S.**, and

No. **587, S.**,

Correctly engrossed.

7:30 O'CLOCK P. M.

The senate was called to order by the president pro tempore.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

"A bill to confer upon levee commissioners power to condemn land and for other purposes."

Introduction and passage.

"A bill so secure a report in relation to the monuments which should be erected by this state, to its soldiers of the civil war, on the battlefields of Antietam and Gainseville".

Introduction, and passage, Messrs. Kneen, Roethe and Smith dissenting.

G. E. SCOTT,
Chairman.

These bills were offered for revision by unanimous consent.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 63, S.,

Providing for the appointment of a legislative committee to investigate the subject of state school funds and their effect on the educational system.

WHEREAS, There have been submitted to this legislature at least twenty-five propositions of various forms of state aid for schools, and

WHEREAS, The state, besides supporting a state university and system of normal schools, contributes to the support of rural schools, grade schools, high schools, county training schools, county agricultural schools, continuation schools and schools for the deaf and blind, and

WHEREAS, During the year 1910-11 the state school tax amounted to one million nine hundred sixty-four thousand one hundred forty-three dollars and six cents (\$1,964,143.06), of which only one hundred seven thousand three hundred fifty dollars (\$107,350) went to rural schools. All the schools of the state receiving their pro rata share of the remainder, and

WHEREAS, The state in 1910-11 contributed one hundred ten thousand seven hundred dollars (\$110,700) to graded schools, one hundred twenty-one thousand eight hundred twenty-two dollars and sixteen cents (\$121,822.16) to free high schools, fourteen thousand fifty dollars (\$14,050) for teaching special subjects in high schools, seventy-six thousand six hundred sixty-one dollars and twenty-two cents (\$76,661.22) to county training schools, twenty thousand dollars (\$20,000) to county agricultural schools, fifty-eight thousand seven hundred forty-one dollars and fifty-one cents (\$58,741.51) for the instruction of the deaf, and nine thou-

63—S. J.

said six hundred sixty-three dollars and thirty-two (663.32) for the instruction of the blind, and

WHEREAS, There is at present no adequate means of determining whether this vast sum is a real factor in the educational improvement of these various educational institutions, and

WHEREAS, The provisions for state aid have not been the result of a comprehensive plan taking into account not only the relative needs of each kind of educational institution, but of a series of unrelated acts at various legislative sessions when these acts are adopted at a single session of the legislature, there has been no attempt to coordinate them; therefore

Resolved by the senate, the assembly concurring, That a joint committee be appointed to consist of three members, two of whom to be appointed by the speaker of the assembly and one senator to be appointed by the presiding officer of the senate for the purpose of determining the feasibility of allocating the distribution and administration of the moneys of the state, the methods of reporting these moneys to the people and to the legislature and to prepare a plan in the form of a bill or a series of bills or other proper legislative action for a just and equitable distribution of the moneys, which will take into account the needs of the various educational systems, and which will provide for adequate publicity and accounting. Be it further

Resolved, That the committee so appointed, shall have the vote of the members thereof, have full power to discharge the duties assigned by this resolution, to subpoena and examine witnesses, to take testimony, to order and require the production of papers necessary for a thorough investigation by said committee, that each member of said committee shall have power to administer oaths to persons appearing before it; that said committee shall have power to employ such stenographers, clerks and other persons as it may deem necessary, and to fix the compensation of such persons as it shall employ; that said committee shall hold such meetings at such places and at such times as may be the most expedient. Be it further

Resolved, That each member of said committee be reimbursed by the state for his actual and necessary expenses incurred in the performance of duties hereby assigned, but shall not receive compensation for time devoted to the work of said committee.

By Senator Linley.

Read and referred to committee on Education and Public Welfare.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read second time.

No. **559, S.**

Amendment No. 1, S., rejected.

Ordered engrossed and read a third time.

Jt. Res. No, 60, S.

Ordered engrossed and read a third time.

The president called Senator Linley to the chair.

No. **146, S.**

Senator Teasdale offered amendment No. 1, S.

A division was called for and the amendment was refused.

The question then was, Shall the bill be indefinitely postponed?

A division was called for and the bill was indefinitely postponed.

Read second time.

No. **503, S.,**

The senate refused to indefinitely postpone the bill,

Thereby ordering it engrossed and read a third time.

No. **512, S.**

Upon motion of Senator Bosshard,

Laid over until Tuesday, July 8, 1913.

No. **565, S.**

A bill to repeal sections 1421a, 1421b, 1421c, 1421d, 1421g, and 1946h, and subsections 1, 2, and 4, of section 1946n, and to create section 1946g of the statutes, relating to the duties of the industrial commission and to the offices of state fire marshal and the supervisor of inspection of illuminating oils.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 5; Noes, 12; absent or not voting, 15, as follows:

Ayes—Senators Ackley, Burke, Kellogg, Kileen, and Stevens—5.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Scott, Teasdale, Tomkins, White, and Zophy—12.

Absent or not voting—Senators Albers, Biehler, Bishop, Culbertson, Cunningham, Martin A. E., Monk, Perry, Randolph, Richards, Skogmo, Snover, True, Weigle, and Weissleder—15.

And so the senate refused to indefinitely postpone the bill, thereby ordering it engrossed and read a third time.

No. **591, S.**

The question was, Shall the bill be indefinitely postponed?

A division was called for and the bill was indefinitely postponed.

No. **592, S.**,

Was indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO
READING.

Read second time.

No. **211, A.**

Amendment No. 1, S., refused adoption.

Ordered to a third reading.

BILLS AND RESOLUTIONS READY FOR
READING.

No. **566, S.**,

Was read a third time, and passed.

Jt. Res. No. 55, S.,

No. **507, A.**,

No. **572, A.**,

No. **617, A.**, and

No. **1089, A.**,

Upon motion of Senator Scott,

Laid over until Tuesday, July 8, 1913.

No. **522, A.**

Upon motion of Senator White,

Laid over until Tuesday, July 8, 1913.

Upon motion of Senator Kileen, and with unanimity

No. **1162, A.**, on Friday's calendar,

Was taken up at this time.

No. **1162, A.**

Upon motion of Senator Kileen,

All rules interfering, were suspended with unanimity
and

The vote by which the bill was non-concurred in was
considered.

The senate refused to non-concur in the bill, therefore
it to a third reading.

Upon motion of Senator Burke, and with unanimity
all rules interfering, were suspended, and the bill was
its concurrence at this time.

No. **1162, A.**,

Was read a third time, and concurred in.

Upon motion of Senator Bosshard, and with unanimity
Friday's calendar was taken up at this time.

EXECUTIVE COMMUNICATION.

No. **295, S.**

Upon motion of Senator Scott,

All rules interfering, were suspended, with unanimous consent.

nd

The vote by which the bill was passed, was reconsidered.

Senator Scott, with unanimous consent, offered amendment No.

S.,

Which amendment was adopted.

The bill, as amended, was passed.

Upon motion of Senator Scott,

And with unanimous consent,

The bill was ordered messaged to the assembly at once.

No. **461, S.**

Upon motion of Senator Burke,

Laid over to Tuesday, July 8, 1913.

No. **538, S.**

Upon motion of Senator Teasdale,

All rules interfering, were suspended with unanimous consent,

nd

The vote by which the bill was passed, was reconsidered.

Upon motion of Senator Teasdale,

The bill was laid on the table.

ASSEMBLY MESSAGE CONSIDERED.No. **19, A.**

Senator Teasdale moved that the senate insist on its position on paragraph 1 of amendment No. 1, S., and request a committee of conference.

Which motion prevailed.

Upon motion of Senator White,

The balance of Friday's calendar was laid over until Tuesday, July 8, 1913.

ADJOURNMENT.

Upon motion of Senator Ackley,

The senate adjourned.

FRIDAY, JUNE 27,
10:00 O'CLOCK

The senate met.
The president pro tempore in the chair.
Prayer was offered by the Rev. J. W. Morgan.
Upon motion of Senator Tomkins,
The calling of the roll was dispensed with.

The journal of yesterday was approved.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:
No. **202, S.**,
Passage, Senator Bichler and Mr. Roethe dissenting.
No. **204, S.**,
Indefinite postponement.
No. **308, S.**,
Amendment No. 1, S., and passage.

A bill appropriating certain sums of money to the several penitentiaries, reformatory and penal institutions to cover deficiencies in the current expense funds, etc.

Introduction and passage.

A bill relating to the establishment of a home for the care and protection, training and reformation of certain female offenders, and making an appropriation.

Introduction and passage.

G. E. SCOTT
Chairman

The two bills offered for introduction were received for introduction by unanimous consent.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted,
and asks concurrence in,

Jt. Res. No. 93, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 93, A.,

Read and concurred in.

ADJOURNMENT.

Upon motion of Senator Husting,

The senate adjourned until Monday, June 30, 1913, at 9:00
clock p. m.

MONDAY, JUNE
9:00 O'C

The senate met.
The president pro tempore in the chair.
Upon motion of Senator Husting,
The calling of the roll was dispensed with.

The journal of Friday, June 27, 1913, was approved.

ADJOURNMENT.

Upon motion of Senator Husting,
The senate adjourned.

TUESDAY, JULY 1, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Upon motion of Senator Husting,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

Upon motion of Senator Bosshard, and with unanimous consent,

Rule 11 was suspended for this session.

COMMUNICATION TO THE SENATE.

JULY 1, 1913.

CHIEF CLERK, *Senate*,
Madison, Wis.

Dear Sir: In compliance with provision of Joint Resolution No. 5, S., I am transmitting herewith a list of those registered legislative counsel and agents since last report.

Very truly yours,

J. S. DONALD,

Secretary of State.

Name, Residence and Occupation of Counsel; Name and Address of Employer and Subject of Legislation.

Walter H. Bender, 1233—38 Wells Bldg., Milwaukee, Wis., representing And. Johnson and other pensioners under Milwaukee policeman's Pension fund, upon policeman's pension fund.

Edw. J. Hammer, Hillsboro, Wis., representing himself and Lebrance Bros., Hillsboro, Wis., upon excise matters.

John A. Bayliss, Wauwatosa, Wis., representing Retail Marketmen's Assn., 11th and Chestnut Sts., Milwaukee, Wis., upon Sunday closing.

A. J. Combes, 418 Reed St., Milwaukee, representing Milwaukee Retail Marketmen's Association, upon Sunday Closing.

Christopher Ennis, 1512 Hadley St., Milwaukee, representing himself upon No. **588, S.**

John M. Galloway, 2521 Sycamore St., Milwaukee, representing himself upon No. **588, S.**

And. Johnson, 469—14th Ave., Milwaukee, representing himself upon No. **588, S.**

A. J. Loughnan, M. D., Oconomowoc, Wis., representing himself upon Optometry Legislation.

C. H. Mandeville, Lodi, Wis., representing himself upon Merrimac Bridge.

Dr. R. H. Rice, 331 Grove St., Milwaukee, representing himself upon Optometry Legislation.

J. S. Sensenbrenner, 404 Wisc. Ave., Neenah, Wis., representing himself upon No. **728, A.**

S. F. Verbeck, Lodi, Wis., representing himself upon Merrimac Bridge.

COMMITTEE REPORT.

The committee on Judiciary report and recommend:

No. **596, S.,**

No. **597, S.,** and

No. **598, S.,**

Passage.

No. **589, S.,**

Passage, Senators Burke and Weissleder dissenting.

No. **394, S.,**

Adoption of amendment No. 3, S., and passage.

No. **497, S.,**

Adoption of substitute amendment No. 1, S., and passage, Senators Burke and Weissleder dissenting.

No. **499, S.,**

Adoption of amendment No. 2, S., and passage.

No. **550, S.,**

Adoption of amendment No. 2, S., and passage, Senators Linley and Richards dissenting.

No. **553, S.,**

Indefinite postponement, Senators Linley and Richards dissenting.

No. **86, A.,**

Adoption of substitute amendment No. 2, S., and non-concurrence.

No. **1157, A.,**

Concurrence.

E. F. KILEEN,
Chairman.

ADJOURNMENT.

Upon motion of Senator Bosshard,
The senate adjourned.

WEDNESDAY, JULY 2, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Upon motion of Senator Husting,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

r. PRESIDENT:

I am directed to inform you that the assembly requests the re-
turn of

No. **389, S.**,

For amendment.

RECESS.

Upon motion of Senator Husting,

The senate took a recess until 5:00 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

Jt. Res. No. 57, S.,

Correctly enrolled at 10:00 o'clock a. m.

5:00 O'C

The senate was called to order by the president pr

BILLS FOR REVISION.

Senator Bosshard, with unanimous consent, offered
revision.

ADJOURNMENT.

Upon motion of Senator Bosshard,
The senate adjourned.

THURSDAY, JULY 3, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president and president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Richards,

Senator Husting was elected to preside for this session.

Upon motion of Senator Richards,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 2, S., to

No. 206, A.

Has concurred in amendment No. 1, S., to

No. 366, A.

Has concurred in substitute amendment No. 2, S., to

No. 1075, A.

Has non-concurred in substitute amendment No. 1, S., to

No. 1047, A.

Has passed, and asks concurrence in,

No. 229, A.,

No. 385, A.,

No. 715, A.,

No. 1176, A., and

No. 1194, A.

Has concurred in

No. **142, S.**,

No. **205, S.**,

No. **504, S.**,

No. **542, S.**,

No. **563, S.**, and

No. **575, S.**

Has amended, and concurred in, as amended,

No. **541, S.**, and

No. **561, S.**

Has concurred in amendment No. 2, S., and concurred
amended,

No. **295, S.**

Has non-concurred in

No. **506, S.**,

No. **581, S.**, and

No. **578, S.**

And has adopted, and asks concurrence in,

Jt. Res. No. **94, A.**

ASSEMBLY MESSAGES CONSIDERED.

Jt. Res. No. 94, A.,

Was concurred in.

Read first time and referred.

No. **229, A.** To calendar.

No. **385, A.** To calendar.

No. **715, A.** To calendar.

No. **1176, A.** To calendar.

No. **1194, A.** To calendar.

BILLS FOR REVISION.

Senator Richards, with unanimous consent, offered on
revision.

RECESS.

Upon motion of Senator Richards,

The senate took a recess until 2:00 o'clock p. m.

2:00 O'CLOCK P. M.

The senate was called to order by Acting President pro tempore,
Senator Husting.

COMMITTEE REPORT.

The special committee on Conservation report and recommend:

No. **454, S.**,

Substitute amendment No. 1, S., and passage.

No. **213, S.**, and

No. **466, S.**,

Indefinite postponement.

No. **431, S.**,

Re-reference to committee on Finance.

PAUL O. HUSTING,

Chairman.

No. **431, S.**,

Was re-referred to committee on Finance.

ADJOURNMENT.

The president declared the senate adjourned until Tuesday,
July 8, 1913, at 10:00 o'clock a. m., under Jt. Res. No. 94, A.

TUESDAY, Ju

10:00 O

The senate met.

The president in the chair.

Prayer was offered by the Rev. A. A. Ewing of C
pal church, Madison, Wis.

The roll was called and the following senators answered
names:

Senators Ackley, Albers, Bichler, Bosshard, Bu
son, Cunningham, Glenn, Huber, Husting, Kell
Linley, Martin H. C., Monk, Randolph, Richards, S
Snover, Stevens, Teasdale, Tomkins, True, Weiss
and Zophy—27.

Absent—Senators Hoyt, Martin A. E., Perry, and

Absent with leave—Senator Bishop—1.

The journal of Thursday, July 3, 1913, was approved.

MOTIONS.

No. **555, S.**,

No. **556, S.**, and

No. **1053, A.**

Upon motion of Senator Snover, and with unanimous

Laid over until Wednesday, July 9, 1913.

Senator Kileen, with unanimous consent, offered
revision.

The committee on Legislative Procedure report and
for introduction bills bearing the following revision

Nos. 634, 639, 640, 641, 642, 643, 635.

H. C. MA

The bills were read by title, and the recommendation
committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

o. **602, S.** (Revision No. 634). By Senator Scott. To calendar.

o. **603, S.** (Revision No. 639). By Committee on Education and Public Welfare. To committee on Education and Public Welfare.

o. **604, S.** (Revision No. 640). By Committee on Finance. To calendar.

o. **605, S.** (Revision No. 641). By Committee on Finance. To calendar.

o. **606, S.** (Revision No. 642). By Committee on Finance. To calendar.

o. **607, S.** (Revision No. 643). By Committee on Finance. To calendar.

o. **608, S.** (Revision No. 635). By Senator Burke. To committee on Judiciary.

 PETITIONS.

et. No. 673, S. By Senator Richards. To committee on Education and Public Welfare.

et. No. 674, S. By Senator Ackley. To committee on Education and Public Welfare.

et. No. 675, S. By Senator Culbertson. To special committee on Conservation.

et. No. 676, S. By Senator Linley. To committee on Education and Public Welfare.

 COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **687, A.,**

Concurrence.

No. **594, S.,**

Adoption of substitute amendment No. 1, S., and passage.

No. **595, S.,** and

No. **601, S.,**

Passage.

No. **593, S.,**

Indefinite postponement.

OTTO BOSSHARD,
Chairman.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

The following bills originating in the senate have been received, approved and deposited in the office of the secretary of state:

No. 82, S.,

Entitled "An Act to amend subsections 2 and 3 of section 450—1 of the statutes, defining the term 'professional school for teachers' and relating to third grade teachers' certificates."

Approved June 17.

No. 94, S.,

Entitled "An Act to create subsection 4 of section 496c of the statutes, relating to the establishing of a teachers' training course in free high schools."

Approved June 16.

No. 155, S.,

Entitled "An Act to create sections 4568m and 4568n of the statutes, relating to frauds or attempted frauds commonly called confidence games and defining certain procedure therefor."

Approved June 16.

No. 343, S.,

Entitled "An Act to amend sections 1725 and 1726, and to create section 1725a of the statutes, relating to the liability of hotelkeepers and innkeepers."

Approved June 16.

No. 388, S.,

Entitled "An Act to repeal section 3874a, and to amend sections 3874, 3875, 3876, paragraphs (2), (3) and (4) of section 3881, and the first and last paragraphs of section 3884 of the statutes, all relating to sales of land by executors and administrators."

Approved June 16.

No. 442, S.,

Entitled "An Act to create sections 959—35x and 959—35y of the statutes, authorizing cities to pay, under certain conditions, for grading roadways, and requiring a bond from persons starting suit against cities in certain cases."

Approved June 16.

No. 471, S.,

Entitled "An Act to amend section 2439 of the statutes, relating to transcripts of proceedings in criminal actions."

Approved June 16.

No. 145, S.,

Entitled "An Act to amend section 165b and subdivision (c) of subsection 5 of section 170 of the statutes, relating to the school library department in the office of the state superintendent of public instruction, and making an appropriation therefor."

Approved June 16.

No. 468, S.,

Entitled "An Act to amend sections 1728s, 1728t, 1728u, 1728v, 1728w, 1728x and 1728z of the statutes, relating to street trades."
Approved June 16.

No. 473, S.,

Entitled "An Act to amend sections 3 and 16 of chapter 218, laws of 1899, relating to the district court of Milwaukee County."
Approved June 16.

No. 477, S.,

Entitled "An Act to amend section 2276a of the statutes, relating to evidence of title by descent to real estate and homesteads."
Approved June 16.

No. 491, S.,

Entitled "An Act to amend section 1087m—9 of the statutes, relating to the income tax."
Approved June 16.

No. 498, S.,

Entitled "An Act to create subsection 8, of section 925m—308 of the statutes, relating to the organization and government of cities under a commission form of government."
Approved June 16.

No. 332, S.,

Entitled "An Act to amend section 1164 of the statutes, relating to recovery of taxes unlawfully levied and collected."
Approved June 16.

No. 418, S.,

Entitled "An Act to amend subsection 1 of section 11—6, subsection 6 of section 30, to create sections 31 and 35, and to amend subsection 15 and subsection 16 of section 38 of the statutes, relating to nomination and election of school and judicial officers."
Approved June 17.

No. 21, S.,

Entitled "An Act to amend subsection 2 of section 411—5 of the statutes, relating to the manner of payment and amount of money to be paid annually to counties maintaining county training schools for teachers."
Approved June 20.

No. 58, S.,

Entitled "An Act to create sections 3185b, 3185c, 3185d, 3185e, 3185f, 3185g, and 3185h of the statutes, relating to nuisances."
Approved June 21.

No. 450, S.,

Entitled "An Act to revise and amend section 1463 of the statutes, relating to state aid for agricultural fairs."
Approved June 20.

No. 488, S.,

Entitled "An Act to appropriate to John A. Sholts a sum of money therein named for expenses incurred in defending a suit for damages brought against him as state fish and game warden."

Approved June 20.

No. 489, S.,

Entitled "An Act to appropriate to I. H. Boomer a sum of money therein named, for expenses incurred in defending a suit for damages brought against him as deputy fish and game warden."

Approved June 20.

No. 494, S.,

Entitled "An Act to repeal subdivision (b) of section 4560a—1, relating to fishing in the Manitowoc river."

Approved June 20.

No. 500, S.,

Entitled "An Act to create section 959—35t of the statutes, relating to legalizing proceedings by any city in this state to open or vacate streets or alleys."

Approved June 24.

No. 507, S.,

Entitled "An Act to amend 1759a of the statutes, relating to the amendment of the articles of organization of corporations and the issue of preferred stock."

Approved June 21.

No. 510, S.,

Entitled "An Act to appropriate a sum of money herein named to the heirs of John Knake, as a reimbursement for money paid to the state for certain lands to which the state had no title."

Approved June 20.

No. 526, S.,

Entitled "An Act to create subsection 1a of section 1317m—5 of the statutes, authorizing county boards to construct or improve any road or street in any village or city in the county and providing the method of raising funds therefor."

Approved June 20.

No. 268, S.,

Entitled "An Act to create subdivision (o) of subsection 1 of section 1941g of the statutes, repealing sections 1941—2, 1941—4, 1941—5, 1941—6, 1941—7, 1941—7m, 1941—9, 1941—9m, 1941—10, 1941—11, and 1941—12, relating to city and village mutual fire insurance companies."

Approved June 21.

No. 449, S.,

Entitled "An Act to appropriate to P. F. Hanson and J. A. Jackson, both of the town of Cady, in St. Croix county, and to Fred Tschudy, of the town of Jefferson, in Green county, certain sums of money therein named."

Approved June 21.

No. 478, S.,

Entitled "An Act to amend section 2070 of the statutes, relating to the republication of general laws by semi-weekly newspapers."

Approved June 21.

No. 511, S.,

Entitled "An Act to amend section 990—10 and subdivision (1) of section 990—17 of the statutes, relating to civil service in the State of Wisconsin."

Approved June 21.

No. 522, S.,

Entitled "An Act to amend section 2 of chapter 33 of the laws of 1893 as amended by chapter 301 of the laws of 1893, chapter 371 of the laws of 1895 and chapter 88 of the laws of 1901, and also to amend section 8 of chapter 33 of the laws of 1893, as amended by chapter 112 of the laws of 1897, and chapter 117, laws of 1903, relating to the superior court of Douglas County."

Approved June 21.

No. 487, S.,

Entitled "An Act to repeal section 1040 of the statutes, and to create a new section to be numbered section 1040 of the statutes, relating to the assessment of personal property."

Approved June 20.

No. 78, S.,

Entitled "An Act to create 172—21 and subsection 4 of section 1494—42 of the statutes, appropriating moneys therein named for the protection and improvement of state parks."

Approved June 21.

No. 206, S.,

Entitled "An Act to create 1498—25 of the statutes, relating to the establishment of a state game farm, and making an appropriation."

Approved June 21.

No. 409, S.,

Entitled "An Act to amend subsections 1 and 3 of section 4560a—2 of the statutes, relating to applications for and issuing of licenses to use and operate seines and nets for the purpose of catching and taking certain rough fish in inland waters."

Approved June 21.

No. 516, S.,

Entitled "An Act to amend section 1797m—77m of the statutes, relating to surrender of franchises."

Approved June 25.

No. 517, S.,

Entitled "An Act to amend section 925—234 of the statutes and to repeal sections 925—235, 925—236, 925—237, and 925—238

of the statutes, relating to the issue of improvement bonds for sewerage assessments."

Approved June 21.

No. **519, S.**,

Entitled "An Act to amend subsection (1) and section 3935 of the statutes, relating to allowance to widows in estates of deceased persons."

Approved June 21.

No. **520, S.**,

Entitled "An Act to amend section 4697 of the statutes and to repeal sections 4698 and 4699 of the statutes, relating to trials of accused persons who plead insanity as a defence."

Approved June 21.

No. **524, S.**,

Entitled "An act to amend section 3821a of the statutes, relating to inventories of estates."

Approved June 21.

No. **530, S.**,

Entitled "An Act to amend section 1222—86 of the statutes, relating to actions to collect taxes assessed against sleeping car, express, freight line and equipment companies."

Approved June 21.

No. **531, S.**,

Entitled "An Act to amend section 1153 of the statutes, relating to the payment of taxes as between grantee and grantor."

Approved June 21.

No. **53, S.**,

Entitled "An Act to amend section 1294 of the statutes, relating to highways."

Approved June 21.

No. **83, S.**,

Entitled "An Act to amend subsection 1 of section 496b, and subsection 1 of section 496c, and to create subsections 4, 5, and 6 of section 496c, and subsection 2 of section 172—108 of the statutes, relating to a training course, for teachers, and making an appropriation therefor."

Approved June 26.

No. **270, S.**,

Entitled "An Act to repeal section 1903 of the statutes, and to create section 1903 of the statutes, relating to investments of insurance companies."

Approved June 25.

No. **121, S.**,

Entitled "An Act to repeal sections 491a, 491b and 496 of the statutes, and to create section 496 and section 172—57 of the statutes, relating to the amount of aid to be paid to free high schools, and making an appropriation therefor."

Approved June 26.

No. 534, S.,

Entitled "An Act to amend section 3971 of the statutes, relating to reports of guardian ad litem."

Approved June 26.

No. 545, S.,

Entitled "An Act to amend section 925—255 of the statutes, relating to city improvements or contracts."

Approved June 26.

No. 546, S.,

Entitled "An Act to create section 926—161 of the statutes, relating to officers in cities of the fourth class."

Approved June 26.

No. 341, S.,

Entitled "An Act to appropriate to certain persons the amounts therein named, being a repayment of the license fees for pound net licenses issued pursuant to section 4560a—40 of the statutes."

Approved June 26.

No. 490, S.,

Entitled "An Act to provide for a joint committee to investigate the system of courts in Wisconsin and to recommend such changes as may be necessary to promote efficiency and economy in the administration of justice, and making an appropriation therefor."

Approved June 26.

No. 513, S.,

Entitled "An Act to create section 165c of the statutes, authorizing the state superintendent of public instruction to appoint persons to assist him in making investigations, revising the course of study, in conducting county and city superintendent conventions, and to employ clerks and statisticians, and making an appropriation therefor."

Approved June 26,

No. 514, S.,

Entitled "An Act to create section 170m of the statutes, fixing the salary and compensation of certain officers therein named and authorizing the heads of the several offices, commissions, boards, and bodies to appoint necessary assistants and subordinates and to fix their compensation."

Approved June 26.

No. 543, S.,

Entitled "An Act to amend sections 258a and 261 of the statutes, relating to the rate of interest on municipal and school district loans."

Approved June 26.

No. 586, S.,

Entitled "An Act to amend section 425 amended by chapter 448, laws of 1913, relating to holding the annual school district meetings."

Approved June 26.

No. 574, S.,

Entitled "An Act to amend section 931a of the statutes relating to taxes for libraries."

Approved June 26.

No. 143, S.,

Entitled "An act to reenact certain provisions of the statutes relating to officers in cities of the fourth class."

Approved June 26.

No. 481, S.,

Entitled "An act to amend section 925—176b of the statutes, relating to the duties of the board of supervisors."

Approved June 26.

No. 569, S.,

Entitled "An Act to repeal subsections 2, 3 and 4 of section 209 of the statutes, and to renumber subsection 1 of section 209 to be subsections 2 and 3, relating to the sale of public lands."

Approved June 26.

No. 103, S.,

Entitled "An Act to revise chapter 113 of the statutes relating to circuit courts; to create sections 94t—1 and 94t—2 of the statutes; to amend paragraphs (2), (3), (4) and (5) of subsection 1 of section 170 and sections 171, 1215—29, 1218—28, 1221—29, 4810, 4811 and paragraph (3) of section 4813 of the statutes; to repeal sections 2423b, 2423c, 2423d and 2429 of the statutes; to amend the following chapters of the Wisconsin Session Laws: chapter 226 of the Private and Local Laws of 1867, chapter 226 of the Session Laws of 1883, chapter 377 of 1897, chapter 2 of 1899, chapter 414 of 1901, chapter 2 of 1903, chapters 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000."

Approved June 26.

No. 201, S.,

Entitled "An Act relating to sewage disposal in the first class."

Approved June 30.

No. 294, S.,

Entitled "An Act to authorize the erection and maintenance of a free wagon bridge across the Vicksburg river in the counties of Sauk and Columbia at or near the mouth of the river in Sauk County, Wisconsin, and to make

Devils Lake more accessible, and creating section 172—122 of the statutes, and making an appropriation therefor.”

Approved June 26.

No. **408, S.**,

Entitled “An act to amend subsection 1 of section 2464 of the statutes, relating to special terms of county courts.”

Approved June 26.

No. **532, S.**,

Entitled “An Act to repeal section 3871a, and to create sections 1950f and 3871m of the statutes, relating to the ascertainment of the value of future estates.”

Approved June 26.

No. **584, S.**,

Entitled “An Act to create section 113.075 of the statutes, providing for additional compensation to circuit judges in counties constituting an entire judicial circuit, and having three hundred thousand or more population.”

Approved June 26.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

July 8th, A. D. 1913.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **461, S.**,

Laid over until Thursday, July 10, 1913.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to

Jt. Res. No. 66, A.

Has concurred in amendment No. 1, S., to

No. **1168, A.**

Has concurred in

No. **508, S.**

Has received from the governor without approval, and passed, notwithstanding objections of governor,

No. **853, A.**

Has passed, and asks concurrence in,

No. **1025, A.**,

No. **1195, A.**,

No. **1196, A.**, and

No. **1197, A.**

Has concurred in
No. **566, S.**

And has non-concurred in
No. **386, S.**

ASSEMBLY MESSAGE CONSIDERED

Read first time and referred.

No. **1025, A.** To committee on Corporations

No. **1195, A.** To calendar.

No. **1196, A.** To calendar.

No. **1197, A.** To committee on State Affairs.

No. **389, S.**

The senate refused to return the bill to the assembly
quest.

No. **192, S.**

Substitute amendment No. 1, A., concurred in.

No. **541, S.**

Amendment No. 1, A., concurred in.

No. **561, S.**

Part 2 of amendment No. 2, A., concurred in.

No. **600, S.**

Amendment No. 1, A., concurred in.

Upon motion of Senator Bosshard, and with unanimity
sent,

Rule 11 was suspended for this session.

No. **372, A.**

Upon motion of Senator Tomkins,

The senate adhered to its position on amendment

No. **490, A.**

Upon motion of Senator Glenn,

Placed at foot of calendar.

o. **961, A.**

Senator Bosshard, with unanimous consent, withdrew his motion to reconsider the vote by which the bill was non-concurred

o. **1047, A.**

The senate receded from its position on substitute amendment 1, S.

MOTIONS CONSIDERED.

o. **728, A.**

The question was, Shall the vote by which the bill was ordered third reading be reconsidered?

RECESS.

Upon motion of Senator White, the senate took a recess until 3:00 o'clock p. m.

The chief clerk under rule 32 made the following corrections in original copy of bill No. **85, S.**: By striking out the words "new" where they occur in the first and second lines of the title respectively, also by striking out the word "to" where it occurs in the second line of the title and inserting in lieu thereof the word "of"; also by changing subdivisions "g" and "k" in sections one and two from italics to Roman.

The chief clerk, under rule 32, made the following corrections in engrossed bill No. **186, S.**: By omitting the words "fifty cents" where they appear stricken out in line 11 of section one, and by changing the words "one dollar" in italics in said line 11 to Roman.

CHIEF CLERK'S REPORT.

The chief clerk records:

o. **85, S.,**
 o. **186, S.,**
 o. **533, S.,**
 o. **540, S.,**
 o. **544, S.,**
 o. **562, S.,**
 o. **567, S.,**

No. **570, S.,**

No. **576, S.,**

No. **577, S.,** and

No. **590, S.,**

Correctly enrolled at 11:25 o'clock a. m.

3:00

The senate was called to order by the president.

BILLS FOR REVISION.

With unanimous consent, Senator Burke offered one bill for revision.

MOTIONS CONSIDERED

No. **728, A.,**

A bill to authorize the Wolf River Improvement Company to construct, acquire, maintain and operate a system of locks and dams on the Wolf River and its tributaries located on the Wolf River and its tributaries, for the purpose of maintaining a uniform flow of water in the Wolf and lower Mississippi rivers, thereby improving the navigation and other uses thereof, and diminishing the injury to property both public and private.

Senator White moved the previous question.

The question was, Shall the main question be put?

The ayes and noes were required, and the vote was taken—ayes, 2; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Cunningham, Glenn, Huber, Hustling, Kellogg, Martin H. C., Monk, Perry, Randolph, Richards, Stevens, Teasdale, Tomkins, True, Weissleder.

Noes—Senators Skogmo and Zophy—2.

Absent or not voting—Senators Biehler, Bissell, A. E., and Weigle—5.

And so the previous question was ordered to be put.

The question then was, Shall the vote by yeas and noes ordered to a third reading be reconsidered?

The ayes and noes were demanded, and the vote was taken—ayes, 16; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Hustling, Martin H. C.,

n, Richards, Skogmo, Teasdale, Tomkins, True, Weissleder, Zophy—12.

ees—Senators Ackley, Albers, Bichler, Burke, Culbertson, Hingham, Glenn, Huber, Kellogg, Kileen, Linley, Perry, t, Snover, Stevens, and White—16.

present or not voting—Senators Bishop, Hoyt, Martin A. E., Weigle—4.

and so the senate refused to reconsider the votes

Senator Hustung asked unanimous consent to offer the following amendment:

Amendment to bill No. **728, A.**:

Amend the engrossed bill by adding at the end of the title the words "and to require certain payments into the state treasury."

Further amend the engrossed bill by inserting between the words "entitled" and "to" where they appear in line 20 of section 4 of the printed bill the words "and it shall be its duty." Also by striking out the word "six" where it appears in line 25 of section 4 thereof and inserting in lieu thereof the word "six and one-

half."

Further amend the bill by striking out the word "six" where the same appears in line 12 of section 5 of the printed bill and inserting in lieu thereof the word "6½." Also by inserting after the word "system" where the same appears in line 53 of said section 5 the words "except as provided in section 12 of this act."

Further amend the bill by striking out the words "the net return on capital above provided for" where the same appear in line 46 of section 6 of the printed bill and inserting in lieu thereof the words "a net return of six per cent on the capital and one-half per cent on the same into the state treasury"; and adding to said section 6 at the end thereof and after the word "sums" where the same appears in line 47 of said section 6, the words "and that the state may purchase the property as provided in section 12 of this act."

Further amend the bill by adding a new section after line 4 of section 11 as follows: "Section 12. The terms "capital invested" and "capital" as used in this act shall be construed to mean all money or labor or property received by said company and used otherwise than for maintenance, operation, and payment of 6½ per cent per annum on capital above provided for. The Wolf River Improvement company shall issue capital stock equivalent to all capital invested, and no capital shall be received or used that is not represented by an equivalent issue of capital stock at par. The Wolf River Improvement company shall pay annually into the state treasury such sums as shall be equivalent to one-half of one per cent on the capital stock of said company, or, in case the capital stock is not equivalent to the actual value of the physical property, then one-half of one per cent of the latter. All payments made to the state treasurer, as herein provided, shall be known as the "Wolf River Survey and Inspection Fund,"

and shall be held in trust by the state as other in so far as not inconsistent herewith and for specified. Such funds may be used to defrayveys and inspections made by the state and for defraying the expenses of establishing monuments constructed and maintained in, upon, and said reservoir system and of the Wolf a All interest earned shall be added to ever the state shall have the constitutional take over the reservoirs and other works and

- River Improvement company pursuant to the belonging to such fund shall be applied on and such fund shall thereupon terminate.

Further amend the bill by striking out the it appears in line 1 of section 12 and inserting number "13."

Further amend the bill by striking out the it appears in line 1 of section "13" and inserting the number "14."

Senator Kileen objected.

Senator Husting moved that all rules intervene and that the amendment be received.

The ayes and noes were required, and the noes, 17; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Husting, Linley, Monk, Randolph, Richards, Skogmo, Teasdale, Zophy—11.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Glenn, Huber, Kellogg, Knudsen, Snover, Stevens, True, Weissleder, and White—17.

Absent or not voting—Senators Bishop, Linley, and Weigle—4.

And so the senate refused to suspend the rules.

Senator Linley asked unanimous consent that the bill be taken up with other business of the committee of the whole tomorrow.

Senator Kileen objected.

Senator Linley moved that all rules intervene and the bill be taken up in committee of the whole.

The ayes and noes were required, and the noes, 20; absent or not voting, 4, as follows:

Ayes—Senators Husting, Linley, Monk, Skogmo, Teasdale, and Zophy—8.

Noes—Senators Ackley, Albers, Bichler, Culbertson, Cunningham, Glenn, Huber, Knudsen, H. C., Perry, Scott, Snover, Stevens, True, Weissleder, and White—20.

Absent or not voting—Senators Bishop, Linley, and Weigle—4.

And so the senate refused to suspend the rules.

Senator Hustung asked unanimous consent to offer the following amendment:

Amend the engrossed bill by inserting after the word "act" here the same appears in line 2 of section 10 on page 10 of the printed bill the words "or any franchise or franchise rights granted hereby."

Senator Culbertson objected.

Senator Hustung moved that all rules interfering be suspended, and the amendment be received.

The ayes and noes were required, and the vote was: Ayes, 12; noes, 16; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Hustung, Linley, Martin H. C., Monk, Randolph, Richards, Skogmo, Teasdale, Tomkins, True, and Zophy—12.

Noes—Senators Ackley, Albers, Bichler, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Perry, Scott, Snover, Stevens, Weissleder, and White—14.

Absent or not voting—Senators Bishop, Hoyt, Martin A. E., and Weigle—4.

And so the senate refused to suspend the rules.

Senator Bosshard moved that all rules interfering be suspended and that he be allowed to offer the following amendment.

Amendment to bill No. **728, A.,**

Amend the printed bill by striking out all of section 9 of said bill and by re-numbering sections 10, 11 and 12, to be sections 9, 10 and 11, respectively.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 12; noes, 15; absent or not voting, 5, as follows:

Ayes—Senators Bosshard, Hustung, Linley, Martin H. C., Monk, Randolph, Richards, Skogmo, Teasdale, Tomkins, True, and Zophy—12.

Noes—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Perry, Scott, Snover, Stevens, Weissleder, and White—15.

Absent or not voting—Senators Bichler, Bishop, Hoyt, Martin A. E., and Weigle—5.

And so the senate refused to suspend the rules.

Senator Burke, when his name was called, rose to a question of parliamentary inquiry: Whether, the main question having been ordered to be now put, a senator was permitted to explain his vote.

The president held: The main question being ordered to be now put, debate is out of order, but the explanation of a senator's vote is not debate. A senator may at all times, when his name is called, make a statement in explanation of his vote, but at no time while the roll is being called may he make an argument.

Senator Kileen moved that all rules interfering be suspended, and the bill be put upon its concurrence at this time.

The ayes and noes were required, and the vote was: Ayes, 16; noes, 11; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Perry, Scott, Snover, Stevens, True, Weissleder, and White—16.

Noes—Senators Bosshard, Husting, Linley, Martin H. C., Monk, Randolph, Richards, Skogmo, Teasdale, Tomkins, and Zophy—11.

Absent or not voting—Senators Bichler, Bishop, Hoyt, Martin A. E., and Weigle—5.

And so the senate refused to suspend the rules.

LEAVE OF ABSENCE.

Upon request,
Indefinite leave of absence was granted to Senator White.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

Read second time.

No. **202, S.**,

No. **589, S.**,

No. **596, S.**,

No. **597, S.**, and

No. **598, S.**,

Were severally ordered engrossed and read a third time.

No. **308, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **394, S.**

Upon motion of Senator Zophy,

Placed at the foot of the calendar.

No. **497, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **499, S.**,

A bill to amend section 4575 of the statutes, relating to the playing of billiards and pool, by minors.

Amendment No. 1, S., to amendment No. 1, S., refused adoption.

The question then was, Shall amendment No. 1, S., be adopted?

A division was called for and the amendment was refused adoption.

Senator Teasdale offered amendment No. 1, S., to amendment No. 2, S.

The question was, Shall amendment No. 1, S., to amendment No. 2, S., be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 15; Noes, 8; absent or not voting, 9, as follows:

Ayes—Senators Bosshard, Culbertson, Cunningham, Glenn, Huber, Husting, Linley, Monk, Perry, Randolph, Scott, Skogmo, Teasdale, True, and Zophy—15.

Noes—Senators Albers, Kellogg, Kileen, Martin H. C., Snover, Stevens, Tomkins, and Weissleder—8.

Absent or not voting—Senators Ackley, Bichler, Bishop, Burke, Hoyt, Martin A. E., Richards, Weigle, and White—9.

And so the amendment was adopted.

Amendment No. 2, S., as amended was adopted.

The question was, Shall the bill be ordered engrossed and read a third time?

A division was called for and the bill was ordered engrossed and read a third time.

No. **550, S.**

Amendment No. 2, S., adopted.

Ordered engrossed and read a third time.

No. **182, S.,**

Indefinitely postponed.

No. **204, S.**

Upon motion of Senator Stevens,

Laid on the table.

No. **512, S.**

The senate refused to indefinitely postpone the bill, thereby ordering it engrossed and read a third time.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7:30 o'clock p. m.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

The president appointed as committee of conference on bill No. 9, A., Senators Teasdale, Perry, and Albers.

MOTIONS.

Senator Ackley moved that the vote by which amendment No. 1, A., to No. **192, S.**, was concurred in, be reconsidered,

Which motion prevailed.

Senator Ackley moved that substitute amendment No. **192, S.**, be non-concurred in, and a committee requested,

Which motion prevailed.

Upon motion of Senator Skogmo,

All rules interfering, were suspended by unanimous vote, and No. **512, S.**, was placed upon its final passage.

No. **512, S.**,

Read a third time, and passed.

Senator Bichler, with unanimous consent, moved that the senate recede from its position on amendment No. 1, S., to No. **1047, A.**, be reconsidered,

Which motion prevailed.

Senator Bichler then moved that the senate insist on substitute amendment No. 1, S., to No. **1047, A.**, and request a committee of conference,

Which motion prevailed.

BILLS AND RESOLUTIONS READY FOR
MENT.

Read second time.

No. **553, S.**,

A bill to create section 4482k of the statutes, relating to the amendment of the anti-lobby law.

The question was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was—Ayes, 14; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Burke, Cunningham, Kellogg, Kileen, Perry, Snover, Stevens, Teasdale, and Zephy—12.

Noes—Senators Ackley, Bosshard, Culbertson, Martin H. C., Monk, Randolph, Richards, Scott, and True—14.

Absent or not voting—Senators Bishop, Hoyt, and White—6.

And so the senate refused to indefinitely postpone the bill, thereby ordering it engrossed and read a third time.

Upon motion of Senator Burke,
All rules interfering, were suspended by unanimous consent,
and
No. 553, S., was placed upon its final passage at this time.
The bill was read a third time, and passed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read a second time.

No. 229, A.,

The question was, Shall the bill be ordered to third reading?

A division was called for and the bill was ordered to third reading.

No. 385, A.,

No. 739, A.,

No. 797, A.,

No. 1157, A.,

No. 1190, A.,

No. 1192, A., and

No. 1194, A.,

Were severally ordered to a third reading.

No. 478, A.

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. 715, A.

Upon motion of Senator Zophy,

Laid on the table.

No. 803, A.

Amendment No. 1, S., adopted.

Ordered to a third reading.

No. 1176, A.

A bill to create sections 1407a—1, 1407a—2, 1407a—3, 1407a—4, 1407a—5, 1407a—6, and subsections 5 and 6, of section 17227, relating to public health, and providing penalties and making an appropriation.

Senator Skogmo moved that the bill be non-concurred in.

The ayes and noes were demanded, and the vote was. Ayes,
; noes, 14; absent or not voting, 7, as follows:

Ayes—Senators Albers, Culbertson, Kellogg, Perry, Richards,
Skogmo, Snover, Teasdale, Tomkins, Weissleder, and Zophy—11.

Noes—Senators Ackley, Biehler, Bosshard, Cunningham, Glenn,
Hasting, Kileen, Linley, Martin H. C., Monk, Randolph, Scott,
evens, and True—14.

Absent or not voting—Senators Bishop, Burke, Hoyt, Huber,
Martin A. E., Weigle, and White—7.

And so the senate refused to non-concur in the bill, ordering it to a third reading.

No. 1191, A.

Senator Bosshard offered amendment No. 1, S.,

Which amendment was adopted.

Ordered to a third reading.

No. 86, A.,

A bill to create section 1623 of the statutes, relating to fee on dogs.

Upon motion of Senator Randolph,

Substitute amendment No. 1, S., was rejected.

Substitute amendment No. 2, S.

The question was, Shall the substitute amendment be adopted?

The ayes and noes were demanded, and the vote was—Ayes, 13; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Culbertson, Martin, Randolph, Scott, Skogmo, Stevens, Teasdale, Tompkins and Zophy—12.

Noes—Senators Albers, Bichler, Bosshard, Husting, Kellogg, Kileen, Linley, Perry, Richmond and Weissleder—13.

Absent or not voting—Senators Bishop, Cunningham, Huber, Martin A. E., Weigle, and White—7.

And so the substitute amendment was refused adoption.

The question was, Shall the bill be non-concurred in?

A division was called for, and the bill was non-concurred in.

No. 839, A.

The question was, Shall the bill be non-concurred in?

A division was called for, and the bill was non-concurred in.

The president called the president pro tempore to the chair.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. 55, S.,

A bill to amend section 1220 of the statutes, relating to life insurance companies, and to repeal section 1220 of the statutes, and all other acts conflicting with this act.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was—Ayes, 17; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Kellogg, Linley, Richmond and Snover—7.

Noes—Senators Ackley, Bosshard, Burke, Cunningham, Glenn, Husting, Martin H. C., Monk, Richards, Skogmo, Stevens, Teasdale, Tompkins, Truitt—17.

absent or not voting—Senators Bishop, Hoyt, Huber, Kileen, Martin A. E., Weigle, Weissleder, and White—8.
and so the bill was refused passage.

Senator Randolph moved that the vote by which the bill was refused passage, be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 7; noes, 17; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Kellogg, Linley, Perry, Scott, Snover—7.

Noes—Senators Ackley, Bosshard, Burke, Culbertson, Cunningham, Glenn, Husting, Martin H. C., Monk, Randolph, Richards, Skogmo, Stevens, Teasdale, Tomkins, True, and Zophy—17.

absent or not voting—Senators Bishop, Hoyt, Huber, Kileen, Martin A. E., Weigle, Weissleder, and White—8.

and so the senate refused to reconsider the vote.

Co. 188, S.

read a third time, and passed.

The president resumed the chair.

Co. 256, S.,

A bill to appropriate a sum of money therein named to the state board of agriculture,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 2; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Cunningham, Glenn, Husting, Kellogg, Kileen, Linley, Monk, Randolph, Richards, Scott, Skogmo, Stevens, Tomkins, True, Weissleder, and Zophy—21.

Noes—Senators Culbertson and Teasdale—2.

absent or not voting—Senators Bishop, Hoyt, Huber, Martin A. E., Martin H. C., Perry, Snover, Weigle, and White—9.

and so the bill was passed.

Co. 426, S.,

A bill to repeal section 3 of chapter 583, laws of 1911, and to amend sections 1, 2 and 4 to 23, inclusive, of chapter 583, laws of 1911, making the same sections 990—40 to 990—61, inclusive, the statutes, all relating to the state board of public affairs, making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 16; noes, 8; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Glenn, Husting, Kileen, Linley, Randolph, Skogmo, Stevens, Tomkins, True, and Zophy—

Noes—Senators Albers, Bichler, Burke, Kell, Teasdale, and Weissleder—8.

Absent or not voting—Senators Bishop, Ho A. E., Martin H. C., Perry, Weigle, and W
And so the bill was passed.

No. 503, S.,

A bill to provide for an investigation of the
ance against accident, sickness, and invalidity,
of pauperism and dependency, and making an

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vo
noes, 7; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Bosshard, Culbertson, Husting, Kileen, Linley, Randolph, Richards, Stevens, Teasdale, Tomkins, True, Weissleder,

Noes—Senators Albers, Bichler, Burke, Glen
and Snover—7.

Absent or not voting—Senators Bishop, Ho
A. E., Martin H. C., Perry, Weigle, and White
And so the bill was passed?

No. **292, S.,** and

No. **518, S.,**

Were severally read a third time, and passed

No. **548, S.**

Senator Bosshard, with unanimous consent, c
No. 2, S.,

Which amendment was adopted.

ADJOURNMENT.

Upon motion of Senator Kileen,

The senate adjourned until 9:00 o'clock a. m.

WEDNESDAY, JULY 9, 1913.

9:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. A. A. Ewing.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and Zophy—28.

Absent—Senators Hoyt and Weigle—2.

Absent with leave—Senators Bishop and White—2.

The journal of yesterday was approved.

Upon motion of Senator Randolph, and with unanimous consent,

The senate returned to order 4 on the calendar.

RESOLUTION INTRODUCED.

Res. No. 31, S.

Relating to calendar for all bills, and also final passage or adoption of bills and resolutions.

Resolved by the senate, That for the remainder of this session the legislature, unless otherwise ordered, the clerk be instructed, and he is hereby instructed, to make up a calendar from day to day of all bills on the clerk's desk and to message immediately such business to the assembly, and

Be it further resolved, That all bills and resolutions on the calendar be upon their final passage or adoption.

By Senator Randolph.

Adopted by unanimous consent.

YESTERDAY'S CALENDAR

BILLS AND RESOLUTIONS READY FOR
READING.No. **548, S.**,

A bill to amend section 1747e and 1747f of the
amended, relating to trusts, monopolies and rest
Senator Husting, with unanimous consent, o
No. 3, S.

The question was, Shall the amendment be ad

The ayes and noes were demanded, and the vo
noes, 16; absent or not voting, 5, as follows:

Ayes—Senators Albers, Bichler, Culbertson, M
Randolph, Richards, Snover, Teasdale, Weiss
—11.

Noes—Senators Ackley, Bosshard, Burke, Cu
Huber, Kileen, Linley, Martin A. E., Monk
Skogmo, Stevens, Tomkins, and True—16.

Absent or not voting—Senators Bishop, Hoy
Weigle, and White—5.

And so the amendment was refused adoption.

Upon motion of Senator Bosshard,

No. **548, S.**,

Was placed at the foot of the calendar.

Upon motion of Senator Monk, and with unan
The senate returned to Order 3.

MOTIONS.

Upon motion of Senator Monk,

This vote by which the senate refused to retur
to the assembly, was reconsidered.

The senate ordered No. **389, S.**, returned to
per request.

No. **554, S.**,

A bill to amend subsection or paragraph (14) o
the statutes, relating to the assessment of taxes
street railroads and electric light companies,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote
noes, none; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Albers, Bichler, M
Culbertson, Cunningham, Glenn, Huber, H
Kileen, Linley, Martin A. E., Monk, Perry,
Skogmo, Snover, Stevens, Teasdale, Tomkins,
and Zophy—26.

Noes—None.

Absent or not voting—Senators Bishop, Hoyt, Martin H. C., Randolph, Weigle, and White—6.

And so the bill was passed.

Upon motion of Senator Scott, and with unanimous consent,

No. **555, S.**, and

No. **556, S.**,

Were taken up at this time.

No. **555, S.**,

A bill to create sections 1900d and 1900e of the statutes, relating to the blanks and forms to be used in fire insurance.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 15; Noes, 13; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Culbertson, Glenn, Huber, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Tompkins, True, Weissleder, and Zophy—15.

Noes—Senators Ackley, Albers, Bichler, Burke, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, and Teasdale—13.

Absent or not voting—Senators Bishop, Hoyt, Weigle, and White—4.

And so the bill was passed.

No. **556, S.**

Was read a third time, and passed.

The president called the president pro tempore to the chair.

No. **559, S.**,

A bill to create 561jm of the statutes, relating to the prevention of criminality, insanity, feeble mindedness and epilepsy,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22; Noes, 3; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Culbertson, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Teasdale, True, Weissleder, and Zophy—22.

Noes—Senators Bichler, Burke, and Husting—3.

Absent or not voting—Senators Bishop, Hoyt, Snover, Stevens, Tompkins, Weigle, and White—7.

And so the bill was passed.

No. 565, S.,

A bill to repeal sections 1421a, 1421b, 1421c, 1421d, and 1946b, and subsections 1, 2, and 4 of section 1946c, and to create sections 1946g of the statutes, relating to the duties of the industrial commission and to the offices of state fire marshal, and the supervision of inspection of illuminating oils,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was—ayes, 10; absent or not voting, 5, as follows:

Ayes—Senators Bosshard, Culbertson, Cunningham, Huber, Hustling, Linley, Monk, Randolph, Richards, Skogmo, Teasdale, Tomkins, True, Weissleder, and Zophy—10.

Noes—Senators Ackley, Albers, Bichler, Burke, Kileen, Martin A. E., Perry, Snover, and Stevens—5.

Absent or not voting—Senators Bishop, Hoyt, Martin, Weigle, and White—5.

And so the bill was passed.

The president resumed the chair.

No. 587, S.,

Was read a third time, and passed.

Jt. Res. No. 55, S.,

A joint resolution to amend article IX of the constitution by adding thereto three new sections,

Was read a third time.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was—ayes, 3; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Burke, Cunningham, Glenn, Huber, Hustling, Kellogg, Kileen, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weissleder, and Zophy—10.

Noes—Senators Albers, Perry, and Snover—3.

Absent or not voting—Senators Bishop, Hoyt, Martin, Weigle, and White—5.

And so the resolution was adopted.

Jt. Res. No. 60, S.

Senator Randolph, with unanimous consent, offered the following

No. 1, S.,

Which amendment was adopted.

The resolution, as amended, was read a third time,

No. 194, A.,

A bill to amend subdivision (3) of section 496c of the statutes, relating to the amount of special state aid to be granted to

schools for the maintenance of courses in manual training, domestic economy or agriculture,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Culbertson, Cunningham, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Randolph, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Weissleder—23.

Noes—None.

Absent or not voting—Senators Bishop, Glenn, Hoyt, Martin H. C., Perry, Scott, Weigle, White, and Zophy—9.

And so the bill was concurred in.

No. **211, A.,**

A bill to appropriate a sum of money to purchase gasoline launches for the fish and game warden department,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, 3; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Burke, Cunningham, Glenn, Huber, Kellogg, Kileen, Linley, Martin A. E., Monk, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and Zophy—23.

Noes—Senators Albers, Culbertson, and Husting—3.

Absent or not voting—Senators Bishop, Hoyt, Martin H. C., Perry, Weigle, and White—6.

And so the bill was concurred in.

No. **384, A.,**

A bill to create section 1435f—25 of the statutes, relating to the practice of optometry,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 7; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Randolph, Richards, Scott, Skogmo, Snover, and True—19.

Noes—Senators Albers, Monk, Perry, Stevens, Teasdale, Tomkins, and Weissleder—7.

Absent or not voting—Senators Bishop, Hoyt, Martin H. C., Weigle, White, and Zophy—6.

And so the bill was concurred in.

Senator Ackley moved that the vote by which No. **384, A.,** was concurred in, be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 18; absent or not voting, 5, as follows:

Ayes—Senators Albers, Burke, Husting, Kellogg, Stevens, Teasdale, and Tomkins—9.

Noes—Senators Ackley, Biehler, Bosshard, Cunningham, Glenn, Huber, Kileen, Linley, Martin A. Richards, Scott, Skogmo, Snover, True, Weissleder—18.

Absent or not voting—Senators Bishop, Hoyt, Weigle, and White—5.

And so the senate refused to reconsider the vote.

No. **429, A.**,

Was read a third time, and concurred in.

No. **487, A.**,

Was read a third time.

RECESS.

Upon motion of Senator Husting,

The senate took a recess until 2:00 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **561, S.**,

Correctly enrolled at 10:00 o'clock a. m.

AFTERNOON SESSION.

2:00 O'C

The senate was called to order by the president.

LEAVE OF ABSENCE.

Upon request,

Indefinite leave of absence was granted to Senator

Upon motion of Senator Burke, and with unanimity
The senate returned to Order 8.

COMMITTEE REPORTS.

The special committee on Highways report and

No. **246, A.**,

Non-concurrence.

TIMOTHY BU

The committee on Education and Public Welfare report and recommend:

No. **603, S.**,

Passage.

No. **1090, A.**,

Non-concurrence, Senators Martin and Monk dissenting.

HOWARD TEASDALE,

Chairman.

The committee on Corporations report and recommend:

No. **1025, A.**,

Non-concurrence,

No. **1193, A.**,

Concurrence.

OTTO BOSSHARD,

Chairman.

YESTERDAY'S CALENDAR (Continued).

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. **487, A.**,

A bill to appoint a special committee to investigate the state forest reserve, to prohibit the purchase of forest reserve lands until July 1, 1915, and making an appropriation therefor.

Senator Stevens moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 23; noes, 2; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Biehler, Burke, Culbertson, Cunningham, Glenn, Husting, Kellogg, Kileen, Linley, Martin A. E., Perry, Randolph, Richards, Scott, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—23.

Noes—Senators Bosshard and Skogmo—2.

Absent or not voting—Senators Albers, Bishop, Hoyt, Huber, Martin H. C., Monk, and White—7.

And so the main question was ordered to be now put.

Senator Bosshard moved that the bill be non-concurred in.

Senator Ackley rose to a question of parliamentary inquiry, whether, the main question having been ordered to be now put, a motion to non-concur is in order.

The president held: Under the practice of the senate, the effect of the previous question is to put an end to debate but not to prevent the making of any privileged motion.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 19; absent or not voting, 3, as follows:

Ayes—Senators Husting, Linley, Martin H. C., Monk, Randolph, Richards, Skogmo, Tomkins, True, and Zophy—10.

Noes—Senators Ackley, Albers, Bichler, Culbertson, Cunningham, Glenn, Huber, Martin A. E., Perry, Scott, Snover, S. Weigle, and Weissleder—19.

Absent or not voting—Senators Bishop, Hoy.
And so the senate refused to non-concur in the bill was concurred in.

Before the vote was announced, Senator Bosshard gave his unanimous consent to offer the following amendment to bill No. 487, A.

Amend the printed bill by adding at the end of section 2, the following: "Provided that options of land within the following area, namely: Between townships forty-three north, inclusive, and between ranges eight east, inclusive, all inclusive, may be negotiated by the forestry department."

Senator Stevens objected.

Senator Bosshard then moved that the rules committee report the amendment be received.

The president ruled the motion out of order.

Senator Stevens moved that the vote by which the senate refused non-concurrence be reconsidered.

Senator Bosshard rose to a question of parliamentary procedure, whether the previous question operates on the motion to reconsider, or whether that motion is debatable.

The president held: The previous question operates on the vote upon the final concurrence in the bill, not on the motion to reconsider and hence the motion is not debatable.

Senator Bosshard debated the bill.

Senator Kileen rose to a point of order, that the senate should not debate upon the motion to reconsider, and debate the motion on that question.

The president held that a motion to reconsider is debatable.

The question was, Shall the vote by which the senate refused non-concurrence be reconsidered?

The ayes and noes were demanded, and the vote was taken: Ayes, 19; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Husting, Linley, Richards, Skogmo, Tomkins, True, and Zoph.

Noes—Senators Ackley, Albers, Bichler, Bosshard, Cunningham, Glenn, Huber, Kellogg, Kileen, Martin H. C., Perry, Scott, Snover, Stevens, and Weissleder—19.

Absent or not voting—Senators Bishop, Hoy.
And so the senate refused to reconsider the vote.

Upon motion of Senator Scott, and with unanimous consent,
The senate returned to Order 4 on the calendar.

RESOLUTION INTRODUCED.

Jt. Res. No. 64, S.,

Recalling bill No. **561, S.**, from the governor for the purpose
amendment.

Resolved by the senate, the assembly concurring, That bill No.
51, S., be recalled from the governor for the purpose of amend-
ment.

By Senator Scott.

Adopted.

No. **507, A.**,

A bill to repeal sections 697—60 to 697—66, inclusive, of the
statutes, relating to the issue of county bonds for the reclamation
cut-over lands, to amend section 258 and to create section 258m
the statutes, relating to the investment of the trust funds and
providing for loans therefrom and from funds of private origin
and for the appointment of a superintendent of farm loans and
assistant, and making an appropriation therefor and providing a
penalty,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22;
noes, 3; absent or not voting, 7, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Culbertson, Cun-
ingham, Glenn, Huber, Hustling, Kellogg, Linley, Martin A.
., Martin H. C., Randolph, Richards, Scott, Skogmo, Snover,
Easdale, Tomkins, True, Weigle, and Weissleder—22.

Noes—Senators Albers, Biehler, and Monk—3.

Absent or not voting—Senators Bishop, Hoyt, Kileen, Perry,
Levens, White, and Zophy—7.

And so the bill was concurred in.

No. **572, A.**,

Was read a third time.

Senator Randolph moved that the bill be non-concurred in,

Which motion prevailed.

No. **617, A.**,

A bill to repeal sections 1636—18 to 1636—30, inclusive, and
to create section 1636—18 to 1636—30, inclusive, and section
1636—30g of the statutes, relating to the regulation of barbers
and providing a penalty,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the ayes, 19; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bosshard, Burke, H. C., Scott, True, Weigle, and Zophy—19.

Noes—Senators Ackley, Albers, Culbertson, Glenn, Husting, Kellogg, Linley, Martin A. Randolph, Richards, Skogmo, Snover, Steadman, Tomkins, and Weissleder—19.

Absent or not voting—Senators Bishop, White—4.

And so the senate refused to concur in the bill.

No. **522, A.**, and

No. **661, A.**,

Were severally read a third time, and concurred in.

No. **702, A.**

A bill to create section 1636—240 of the code, relating to the regulation of hotels, rooming houses and restaurants, and providing penalties and making an appropriation—

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the ayes, 9; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Huber, Husting, Linley, Martin H. C., Richards, Stevens, Teasdale, Tomkins, True, Weigle, and Zophy—19.

Noes—Senators Ackley, Albers, Culbertson, Martin A. E., Perry, Randolph, and Snover—4.

Absent or not voting—Senators Bishop, White—4.

And so the bill was concurred in.

No. **754, A.**

A bill to amend section 4601—1a of the code, relating to the sale of syrups, molasses, glucose mixtures and other food mixtures,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the ayes, 16; absent or not voting, 3, as follows:

Ayes—Senators Culbertson, Glenn, Huber, Martin H. C., Monk, Randolph, Scott, Skogmo, True, and Zophy—13.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Richards, Snover, Stevens, Weigle, and Weissleder—4.

Absent or not voting—Senators Bishop, Husting, and Tomkins—3.

And so the senate refused to concur in the bill.

Senator A. E. Martin moved that the vote by which the senate refused to concur in No. **754, A.**, be reconsidered.

Before the president could state the question, Senator Ackley addressed the chair and stated that he moved the previous question.

Senator H. C. Martin moved that the senate adjourn.

The ayes and noes were demanded, and the vote was, Ayes, 11; Noes, 18, absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Glenn, Huber, Hustung, Martin H. C., Monk, Richards, Skogmo, Teasdale, Tomkins, and True—11.

Noes—Senators Ackley, Albers, Bichler, Burke, Culbertson, Cunningham, Kellogg, Kileen, Linley, Martin A. E., Perry, Randolph, Scott, Snover, Stevens, Weigle, Weissleder, and Zophy—18.

Absent or not voting—Senators Bishop, Hoyt, and White—3.

And so the senate refused to adjourn.

Senator Randolph moved that the senate take a recess until 8:00 clock p. m.

The ayes and noes were demanded, and the vote was: Ayes, 19; Noes, 9; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Burke, Culbertson, Glenn, Hustung, Kileen, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, and Zophy—19.

Noes—Senators Ackley, Albers, Bichler, Cunningham, Kellogg, Martin A. E., Perry, Snover, and Weissleder—9.

Absent or not voting—Senators Bishop, Hoyt, Huber, and White—4.

And so the senate took a recess until 8:00 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **308, S.**,

No. **497, S.**,

No. **499, S.**, and

No. **550, S.**,

Correctly engrossed.

71—S. J.

EVENING SESSION.

8:00 O'C

The senate was called to order by the president.

The president appointed as committee of conference on No. **192, S.**, Senators Glenn, Ackley and Kellogg, and on No. **1047, A.**, Senators Stevens and Zophy.

BILLS FOR REVISION.

With unanimous consent, Senator Scott offered and Senator Teasdale offered one bill for revision.

Senator A. E. Martin asked unanimous consent to withdraw his bill for revision.

Senator Skogmo objected, and the bill was not read.

Upon motion of Senator Culbertson, and with unanimous consent,

No. **340, S.**,

Was recalled from the special committee on Finance and withdrawn.

YESTERDAY'S CALENDAR (CONTINUED)

Senator Bosshard was recognized and stated that he desired further consideration of No. **754, A.**, be laid over until next day, July 10th.

Senator A. E. Martin rose to a point of order that the bill introduced by Senator Ackley for the previous question upon which Senator A. E. Martin to reconsider the vote by which the senate refused to concur in No. **754, A.**, was before the senate. He moved on to the motion for the previous question were none.

Senator Bosshard asked consent of the senate to lay the bill over.

Senator Linley was recognized and stated that he desired to reconsider the vote by which the senate refused to concur in the bill. He moved that the bill be reconsidered.

The president stated that before ruling upon the motion raised by Senator A. E. Martin, he desired to hear discussion of the point of order.

The president then stated: It is the opinion of the senate that the recess leaves the bill and any questions that might arise thereon in status quo. The motion to reconsider will be decided by the chair when the motion for the previous question is taken and therefore the motion for the previous question was

because no question was pending to which it might apply. Neither had the motion to reconsider been stated when the recess was taken, and therefore it is not before the senate at this time, and the motion to lay the bill over is not in order because the bill is not before the senate, nor any motion thereon. However, the right to make a motion to reconsider expiring within the next legislative day, it is an individual right that a senator who has secured the floor and exercised within the time in which it is in order, may not by an adjournment or any other intervening action, be deprived. Therefore, if the senator who made the motion insists now upon his right, the motion will be now stated. Otherwise, the chair will entertain and put the motion now made to reconsider, which is the same as the motion made before the recess was taken. If any senator disagrees with the opinion of the chair, the chair desires that he so state before it is made a ruling.

No senator stated a disagreement with the opinion of the chair and the chair stated that such opinion was his ruling on the point of order made by Senator A. E. Martin.

Senator A. E. Martin, not insisting upon his motion to reconsider, the president entertained and put the motion of Senator Linley to reconsider.

The question was, Shall the vote by which the senate refused to concur in No. 754, A., be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 15; noes, 11; paired, 2; absent or not voting, 4, as follows:

Ayes—Senators Bosshard, Culbertson, Glenn, Hoyt, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and Zophy—15.

Noes—Senators Albers, Bichler, Burke, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, and Weigle—11.

Paired—Senator Huber for the bill, Senator Ackley against the bill—2.

Absent or not voting—Senators Bishop, Cunningham, Weissleder, and White—4.

And so the senate reconsidered the vote.

The question then was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 15; noes, 12; paired, 2; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Culbertson, Glenn, Hoyt, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, and Zophy—15.

Noes—Senators Albers, Bichler, Burke, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, and Weigle—12.

Paired—Senator Huber for the bill, Senator Ackley against the bill—2.

Absent or not voting—Senators Bishop, Weissleder, and White—3.

And so the bill was concurred in.

Senator Randolph moved that the vote by which concurred in be reconsidered.

The ayes and noes were demanded, and the vote was—Ayes, 16; paired, 2; absent or not voting, 3, as follows:

Ayes—Senators Albers, Bichler, Burke, Kellogg, Linton A. E., Perry, Richards, Snover, Stevens, and True.

Noes—Senators Bosshard, Culbertson, Cunningham, Hoyt, Husting, Linley, Martin H. C., Monk, Randall, Skogmo, Teasdale, Tomkins, True, and Zophy—16.

Paired—Senator Huber for the bill, Senator Ackley for the bill—2.

Absent or not voting—Senators Bishop, Weissleder—3.

And so the senate refused to reconsider the vote.

No. **789, A.**,

No. **848, A.**,

No. **1170, A.**, and

No. **1171, A.**,

Were severally read a third time, and concurred in.

No. **896, A.**,

Upon motion of Senator Scott,

Laid on the table.

No. **1089, A.**,

A bill to amend sections 840, 1112 and 1114 of the statutes, to repeal section 1090 of the statutes, and to create a new section 1090 of the statutes, to be numbered 1090, relating to fees of taxes by town, village or city treasurers,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was—Ayes, none; absent or not voting, 8, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Culbertson, Cunningham, Glenn, Husting, Kileen, Linton A. E., Martin H. C., Monk, Perry, Randolph, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—16.

Noes—None.

Absent or not voting—Senators Bishop, Hoyt, Kellogg, Richards, Weigle, Weissleder, and White—8.

And so the bill was concurred in.

No. **394, S.**

Upon motion of Senator Zophy,

Laid over until Thursday, July 10, 1913.

No. **490, A.**

Senator Randolph moved that the senate non-concurrence in amendment No. 1, A., to amendment No. 1, S., and in amendment No. 2, S., and request a conference,

Which motion prevailed.

No. 587, S.

Senator Zophy moved that the vote by which the bill was passed be reconsidered and that the motion lie over until tomorrow, Which motion prevailed.

No. 548, S.,

A bill to amend sections 1747e and 1747f of the statutes, as amended, relating to trusts, monopolies and restraints of trade.

Senator Bosshard offered amendment No. 4, S., with unanimous consent,

Which amendment was adopted.

The question then was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 6; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Skogmo, Tomkins, True, and Zophy—16.

Noes—Senators Albers, Bichler, Husting, Kellogg, Snover, and Teasdale—6.

Absent or not voting—Senators Bishop, Glenn, Huber, Martin A. E., Richards, Scott, Stevens, Weigle, Weissleder, and White—10.

And so the bill was passed.

COMMITTEE REPORTS.

The special committee on Insurance report and recommend:

No. 557, S., and

No. 558, S.,

Passage.

G. E. SCOTT,
Chairman.

No. 558, S.,

Re-referred to committee on Finance under the rules.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 638, 644, 645, 646, 647, 648.

H. C. MARTIN,
Chairman.

The bills were read by title and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

- No. **609, S.** (Revision No. 638). By Senator Monk.
committee on Highways.
- No. **610, S.** (Revision No. 644). By Senator Bo.
committee on Corporations.
- No. **611, S.** (Revision No. 645). By Senator Ric.
committee on Judiciary.
- No. **612, S.** (Revision No. 646). By Senator Kile.
mittee on Judiciary.
- No. **613, S.** (Revision No. 647). By Senator Bur.
mittee on Judiciary.
- No. **614, S.** (Revision No. 648). By Committee o.
tions. To committee on Corporations.

TODAY'S CALENDAR.

Upon motion of Senator Randolph,

The senate resolved itself into a committee of the whole
the purpose of considering the water power bills.

Senator Scott in the chair.

At 11:05 o'clock p. m.,

The committee of the whole arose.

The president took the chair.

The chairman of the committee of the whole reported.
committee having had under consideration the water power bills.
had made progress, but had not completed their work.

ADJOURNMENT.

Upon motion of Senator Teasdale,

The senate adjourned until 9:00 o'clock a. m. tomorrow.

THURSDAY, JULY 10, 1913.

9:00 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. A. A. Ewing.

The roll was called and the following senators answered to their names:

Senators Ackley, Albers, Bichler, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and Zophy—28.

Absent—Senator Culbertson—1.

Absent with leave—Senators Bishop, Weissleder, and White—3.

The journal of yesterday was approved.

BILLS FOR REVISION.

Senator Scott, with unanimous consent, offered one bill for revision.

Upon motion of Senator Randolph,
The senate resolved itself into a committee of the whole,
Senator Scott in the chair.

At 12:05 o'clock p. m.,
The committee of the whole arose.

The president pro tempore took the chair.

The chairman of the committee of the whole reported that the committee having had under consideration the waterpower bills, had made further progress, but had not completed the work.

RECESS.

Upon motion of Senator Randolph,
The senate took a recess until 2:00 o'clock p. m.

AFTERNOON SESSION.

2:00 O'

The senate was called to order by the president

MOTIONS.

Upon motion of Senator Kileen, and with unanimity,
The vote by which No. **518, S.**, was passed, was

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly
and asks concurrence in,
Jt. Res. No. 95, A.

And has concurred in
Jt. Res. No. 64, S.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res No. 95, A.,
Was concurred in.

Upon motion of Senator Randolph,
The senate resolved itself into a committee of the whole
Senator Scott in the chair.

At 4:50 o'clock p. m. the committee of the whole

The president took the chair.

The chairman of the committee of the whole reported
waterpower bills had been given a full and complete hearing by
the committee.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **610, S.**, and

No. **614, S.**,

Passage.

No. **230, A.**,

Concurrence.

OTTO BOSSHARD,

Chairman.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the provisions of Joint Resolution No. 64, S., I return herewith, for the purpose of correction, bill No. **561, S.**

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

July 10, 1913.

RECESS.

Upon motion of Senator Randolph,

The senate took a recess until 7:30 o'clock p. m.

EVENING SESSION

7:30 O'CLOCK P. M.

The senate was called to order by the president.

BILLS FOR REVISION.

With unanimous consent,

Senator Burke offered one bill and Senator Kileen offered one bill for revision.

MOTIONS.

Senator Stevens moved that the assembly be requested to return No. **487, A.**, to the senate for roll call, and that the bill be placed on the calendar for Wednesday, July 16, 1913,

Which motion prevailed.

Upon motion of Senator Bichler, and with unanimous consent, No. **748, A.**,

Was laid over until Wednesday, July 16, 1913, and made a special order for 7:30 o'clock p. m.

Upon motion of Senator Burke, and with unanimity
No. **359, S.**,

Was recalled from the committee on Finance, and was

Upon motion of Senator Randolph, and with unanimity
sent,

No. **454, S.**,

No. **213, S.**, and

No. **466, S.**,

Were laid over until Wednesday, July 16, 1913, and by
special order for 9:00 o'clock a. m.

Upon motion of Senator Zophy, and with unanimity
No. **1176, A.**,

Was laid over until Wednesday, July 16, 1913.

Upon motion of Senator Scott,

No. **896, A.**,

Was taken from the table.

No. **896, A.**,

A bill to amend section 20.33 of the statutes, relating to
printing and all printing not otherwise classified.

Senator Kileen, with unanimous consent, offered
amendment No. 4, S.,

Which substitute amendment was adopted.

No. **896, A.**,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was:
noes, 2; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Bur
Hoyt, Kellogg, Kileen, Linley, Martin A. E., M
Randolph, Scott, Skogmo, Stevens, Teasdale, Tor
Zophy—19.

Noes—Senators Bichler, and Husting—2.

Absent or not voting—Senators Bishop, Culbertson
ham, Huber, Martin H. C., Richards, Snover, Tr
Weissleder, and White—11.

And so the bill was concurred in.

Senator A. E. Martin moved that the vote by which
617, A., was refused concurrence, be reconsidered, and
the assembly be requested to return the bill to the senate.

The motion to reconsider the vote by which the bill
refused concurrence was entered, and the assembly requested
to return the bill.

PETITIONS.

Pet. No. 678, S. By Senator Teasdale. To confer
Education and Public Welfare

No. 679, S. By Senator Teasdale. To committee on Education and Public Welfare.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **608, S.**,
No. **612, S.**, and
No. **613, S.**,

Reference to calendar.

E. F. KILEEN,
Chairman.

No. **608, S.**,
No. **612, S.**, and
No. **613, S.**,

Were referred to calendar.

The special committee on Highways report and recommend:

No. **1069, A.**,
Non-concurrence.

TIMOTHY BURKE,
Chairman.

YESTERDAY'S CALENDAR.

BILLS TO BE ORDERED TO THIRD READING.

Read second time.

No. **1053, A.**,

A bill to repeal section 573f of the statutes, and to create a new section of the statutes, to be numbered section 573f, relating to aid for dependent children and making an appropriation.

The question was, Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: Ayes, 18;

3; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Hinn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Rank, Randolph, Scott, Skogmo, Tomkins, and Zophy—18.

Noes—Senators Martin A. E., Perry, and Teasdale—3.

Absent or not voting—Senators Bishop Culbertson, Cunningham, Huber, Richards, Snover, Stevens, True, Weigle, Weissner, and White—11.

and so the bill was ordered to a third reading.

No. **1053, A.**,

Was read a third time.

The question then was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 17;

3; absent or not voting, 12, as follows;

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke,

Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Monk, Randolph, Scott, Skogmo, and Tomkins—17.

Noes—Senators Martin A. E., Perry, and Teasdale.

Absent or not voting—Senators Bishop, Culbertson, Ham, Huber, Richards, Snover, Stevens, True, Weigle, White, and Zophy—12.

And so the bill was concurred in.

BILLS AND RESOLUTIONS READY FOR READING.

No. 89, S.

Upon motion of Senator Albers,
Laid over until Wednesday, July 16, 1913.

No. 1143, A.

Senator Bosshard asked unanimous consent to offer
ing amendment:

Amendment to bill No. 1143, A.

Amend the printed bill by adding after the word
4 of section 1, the following: "No member of the 191
shall be eligible to appointment on said commission."

Senator Skogmo objected.

Senator Randolph moved that all rules interfering b
and that the amendment be received.

Senator Burke rose to a question of parliamenta
whether a motion to suspend the rules is debatable.

The president held that the motion is not debatable.

Senator Burke asked unanimous consent to debate

Senator Perry objected.

Senator Skogmo asked unanimous consent to debate

Senators Monk and Randolph objected.

Senator Bosshard asked that unanimous consent be g
Senators Burke and Skogmo to debate the motion.

Senator Randolph objected.

Senator Ackley rose to a point of order that the o
Senator Skogmo speaking were made after the preside
nounced that the senator had been given unanimous
speak.

The president held that the point of order could
raised, the entire matter having been decided.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote wa
noes, 9; absent or not voting, 10, as follows:

Ayes—Senators Bichler, Bosshard, Glenn, Hoyt,
Linley, Martin H. C., Monk, Randolph, Scott, Ste
kins, and Zophy—13.

Noes—Senators Ackley, Albers, Burke, Kello
Martin A. E., Perry, Skogmo, and Teasdale—9.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weissleder, and White—10.

And so the senate refused to suspend the rules.

No. **1143, A.**,

A bill creating the Lake Superior and Mississippi River canal commission, prescribing its duties, and making an appropriation, Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 11; noes, 6; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Bichler, Burke, Glenn, Kellogg, Leen, Martin A. E., Martin H. C., Monk, Randolph, Scott, Zogmo, Stevens, Teasdale, and Zophy—15.

Noes—Senators Bosshard, Hoyt, Husting, Linley, Perry, and Tompkins—6.

Absent or not voting—Senators Albers, Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weissleder, and White—11.

And so the bill was concurred in.

BILLS FOR REVISION.

Senator Zophy, with unanimous consent, offered one bill for revision.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend the introduction of bills bearing the following revision numbers:

Nos. 649, 651.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **615, S.** (Revision No. 649). By Senator Scott. To committee on Finance.

No. **616, S.** (Revision No. 651). By Senator Scott. To committee on Finance.

TODAY'S CALENDAR.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **461, S.**

Senator Burke, with unanimous consent, moved that the vote by which the bill was passed, be reconsidered,

Which motion prevailed.

Senator Burke, with unanimous consent, offered
2, S.

Which amendment was adopted.

The bill was read a third time, and passed.

Senator Skogmo moved that No. **853, A.**, and a
bills on the calendar, be taken up at this time,

Which motion prevailed.

ASSEMBLY MESSAGE CONSIDERED

No. **853, A.**,

A bill to create section 381g of the statutes, relating to the appointment of a board of visitors for the state university.

The question was, Shall the bill be concurred in notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was—ayes, 19; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Perry, and Teasdale—3.

Noes—Senators Albers, Bichler, Bosshard, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, and Zophy—19.

Absent or not voting—Senators Bishop, Culbertson, Ham, Huber, Richards, Snover, True, Weigle, and White—10.

And so the senate refused to concur in the bill.

BILLS AND RESOLUTIONS READY FOR ENROLLMENT

No. **602, S.**,

A bill to create subsection 3a of section 1492b of the statutes relating to compensation to owners of cattle slaughtered and of being afflicted with tuberculosis, and making an appropriation therefor.

Was read a second time.

Ordered engrossed and read a third time.

The bill was then read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was—ayes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bontrager, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, and Zophy—22.

Noes—None.

Absent or not voting—Senators Bishop, Culbertson, Ham, Huber, Richards, Snover, True, Weigle, and White—10.

And so the bill was passed.

No. 604, S.,

A bill to secure a report in relation to the monuments which should be erected by this state, to its soldiers of the civil war, on the battlefield of Antietam and Gainesville,

Was read a second time.

Ordered engrossed and read a third time.

The bill was then read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21, noes, none; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Bishop, Burke, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weissleder, and White—11.

And so the bill was passed.

No. 605, S.,

Was read second time and ordered engrossed and read a third time.

The bill was read a third-time, and passed.

No. 606, S.,

A bill to create sections 4944—n to 4944z, inclusive, and subsections 54 and 55 of section 172—67 of the statutes, to establish a home for the custody, protection, training and reformation of certain female offenders, and making an appropriation therefor,

Was read a second time

Ordered engrossed and read a third time.

The bill was then read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, and Zophy—22.

Noes—None.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weissleder, and White—10.

And so the bill was passed.

No. 607, S.,

A bill to appropriate certain sums of money to the several charitable, reformatory and penal institutions to cover deficiencies in the current expense funds and funds for improvements of such institutions for the balance of the appropriation period,

Was read a second time.

Ordered engrossed and read a third time.

The bill was then read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was
noes, none; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bosshard, Burke,
Husting, Kellogg, Kileen, Linley, Martin A. E.,
Monk, Perry, Randolph, Scott, Skogmo, Steven
Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Bichler, Bishop
Cunningham, Huber, Richards, Snover, True, Weigle
and White—11.

And so the bill was passed.

No. **593, S.**,

Was read second time, and indefinitely postponed.

BILLS TO BE ORDERED TO A THIRD READING

No. **1195, A.**,

A bill to amend subsections 1 and 2 of section 13
sections 1, 2, 4, 5, 6, 7, 9 and 10 of section 1317m—
subsection 13 of section 1317m—2; to amend subsection
1317m—3 and subsection 1 of section 1317m—4; to
sections 7, 8 and 9 of section 1317m—4; to amend sub
3 and 5 of section 1317m—5 and subsections 1, 2, 3, 4
tion 1317m—6; to create subsections 8 and 9 of section
amend subsections 1, 2, 6 and 10 of section 1317m—7
1, 2, 3 and 4 of section 1317m—8, subsections 1 and
1317m—9; to create subsections 7 and 8 of section 1
amend sections 1317m—12 and 1317m—13; to create s
—12a; to repeal sections 1317m—10 and 1317m—1
subsection 1a of section 1317m—5 and to create sec
and subsection 41 of section 170 of the statutes, rela
aid and supervision for the improvement of public h
making appropriations therefor,

Was read a second time.

Ordered to a third reading.

The bill was then read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was
noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Bu
Hoyt, Husting, Kellogg, Kileen, Linley, Martin A
H. C., Monk, Perry, Randolph, Scott, Skogmo, St
dale, Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weiss, Feder, and White—11.

And so the bill was concurred in.

No. 1196, A.,

A bill to create subsections 4 to 36, inclusive, of section 172—4, subsections 1 to 19, inclusive, and 27 to 36, inclusive, of section 172—53, and section 172—64; and to repeal section 398, subsection 4 of section 401m, sections 406 and 408, subsection 4 of section 383m, sections 391, 392, 392em, 392em—1 to 392em—7, inclusive, 392em—9, 392f, 392g, 392h, 392i, 392j, 1479b, 1479c, 1479d, 1479e, subsection 2 of section 1494j and subsection 2 of section 1494—12m, and sections 392u and 392z; and to amend subsection 9 of section 170, sections 394, 396, subsection 1 of section 401m, subdivisions (2) and (4) of section 404, subsection 1 of section 406a, section 409, subsections 8 and 34 of section 170, sections 249, 381, 382, 388, subsection 3 of section 383m, section 389, subsection 1 of section 390, subdivision (2) of section 392em—8, sections 1494—b, 1494d, 1494x—10, 1494x—12, 1494x—16, subsection 1 of section 1494—1, sections 1494—10, 1494—10m, 1494—14, 1494—10w, 1494—37, 392t and 392y of the statutes and making appropriations therein named for the normal schools, university and mining trade school and altering the method of handling funds of the normal schools and university.

Was read a second time.

Senator Scott offered amendment No. 1, S.,

Which amendment was adopted.

Ordered to a third reading.

The bill was then read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Hustling, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Stevens, Teasdale, Tomkins, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Richards, Skogmo, Snover, True, Weigle, Weissleder, and White—12.

And so the bill was concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD READING.

No. 202, S.

Upon motion of Senator Hustling,

Laid over until Tuesday, July 15, 1913.

No. 308, S.,

A bill to create sections 573—1, 573—2, 573—3 the statutes, relating to a new home for the feeble appropriate money therefor,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, dale, Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop Cunningham, Huber, Richards, Snover, True, Weissleder, and White—11.

And so the bill was passed.

No. 598, S.,

A bill to repeal section 1241 [1911] of the statute section 2 of chapter 599 of the laws of 1911 and sections the statutes relating to the collection of highway taxes in towns; and to amend sections 1240, 1241 [1911] of the statutes relating to the levying and highway taxes in labor and in money,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Tomkins, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop Cunningham, Huber, Linley, Richards, Snover, Weissleder, and White—12.

And so the bill was passed.

No. 229, A.,

A bill to create section 392em—8a of the statutes the establishment of a state soils laboratory in the culture, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Husting, Kellogg, Kileen, Martin A. E., Martin H. Perry, Randolph, Scott, Skogmo, Stevens, Teasdale and Zophy—19.

Noes—Senator Albers—1.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Linley, Richards, Snover, True, Weigle, Weissleder, and White—12.

And so the bill was concurred in.

No. **385, A.**

Upon motion of Senator Zophy,
Laid over until Wednesday, July 16, 1913.

No. **478, A.,**

A bill to amend subsection 1 of section 553p—6, and to repeal section 553p—14 and to create section 172—49 of the statutes, relating to the number of industrial schools that may be established, and to Stout Institute, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; Noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Richards, Snover, Stevens, True, Weigle, Weissleder and White—12.

And so the bill was concurred in.

No. **728, A.,**

A bill to authorize the Wolf River Improvement company to construct, acquire, maintain and operate a system of water reservoirs located on the Wolf river and its tributaries north of township thirty-two, as described herein, for the purpose of producing uniform flow of water in the Wolf and lower Fox rivers, and thereby improving the navigation and other uses of said streams and diminishing the injury to property both public and private,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 14; Noes, 7; paired, 2; absent or not voting, 9, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Scott, and Stevens—14.

Noes—Senators Bosshard, Husting, Monk, Randolph, Skogmo, Teasdale, and Tomkins—7.

Paired—Senator White for the bill, Senator Zophy against the bill—2.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, and Weissleder—

And so the bill was concurred in.

No. 739, A.,

A bill to amend sections 439cd and 439ee and to 439cf of the statutes, relating to compensation of and reports on truancy, and providing a penalty,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, dale, Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop Cunningham, Huber, Richards, Snover, True, Weissleder, and White—11.

And so the bill was concurred in.

No. 797, A.,

A bill to repeal sections 1636—9, 1636—10, 1636—12, 926—167 and 926—169 and to create sections 2394—83, 2394—84, 2394—85, 2394—86, 2394—87, 2394—89, 2394—90, 2394—91, 2394—92, 2394—93, 2394—95 of the statutes, relating to employers, unemployable persons, and to regulate employment agents,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Perry, Randolph, Scott, Stevens, Teasdale, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop Cunningham, Huber, Richards, Skogmo, Snover, Weissleder, and White—12.

And so the bill was concurred in.

No. 803, A.,

A bill to create section 1421—30 of the statutes, relating to tuberculosis patients and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bosshard, Burke, Glenn, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weissleder and White—12.

And so the bill was concurred in.

No. 1190, A.,

A bill to appropriate to John O'Day a sum of money for the expenses of a contest to determine the right to a seat in the assembly,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin I. C., Monk, Perry, Randolph, Scott, Skogmo, Teasdale, Tomkins, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Richards, Snover, Stevens, True, Weigle, Weissleder, and White—12.

And so the bill was concurred in.

No. 1191, A.,

A bill to appropriate to Ralph H. Clark a sum of money for the expenses of a contest to determine the right to a seat in the assembly,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin I. C., Monk, Perry, Randolph, Scott, Skogmo, Stevens, Teasdale, Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Richards, Snover, True, Weigle, Weissleder, and White—11.

And so the bill was concurred in.

No. 1192, A.,

A bill to amend sections 1 and 3 of chapter 309 of the laws of 1913, so as to authorize the purchase of additional land for the proposed park at the first territorial capital at Belmont and increasing the appropriation for that purpose,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin

H. C., Monk, Perry, Randolph, Scott, Skogmo, Dale, Tomkins and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bingham, Cunningham, Huber, Richards, Snover, True, Weiss and White—11.

And so the bill was concurred in.

No. 1194, A.,

A bill to create section 172—67 and to repeal sections 4918—11, 4918—12 and 4918—13 of the statutes, certain sums of money for the purposes therein, board of control for the said board and for the charitable, reformatory and penal institutions and said board to convey certain parcels of land at the

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was as follows: noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Burk, Husting, Kellogg, Kileen, Linley, Martin A. E., Monk, Randolph, Scott, Skogmo, Stevens, Teasdale and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bingham, Cunningham, Huber, Perry, Richards, Snover, Weissleder, and White—12.

And so the bill was concurred in.

LEAVE OF ABSENCE.

Upon request,

Leave of absence was granted to Senator Monk on Monday, July 16, 1913.

ADJOURNMENT.

Upon motion of Senator Randolph,

The senate adjourned.

FRIDAY, JULY, 11 1913.
10:00 O'CLOCK A. M.

The senate met.
The president in the chair.
Prayer was offered by the Rev. A. A. Ewing.
Upon motion of Senator Ackley,
The calling of the roll was dispensed with.

The journal of yesterday was approved.

MOTIONS.

Senator Scott moved that the vote by which No. **1196, A.**, was
occurred in, be reconsidered, and that the motion lie over until
Wednesday, July 16, 1913,
Which motion prevailed.

BILLS FOR REVISION.

With unanimous consent,
Senator Bichler offered one bill, and Senator Bosshard offered
a bill for revision.

YESTERDAY'S CALENDAR.

BILLS AND RESOLUTIONS READY FOR ENGROSS- MENT.

Read second time.
No. **594, S.**
Substitute amendment No. 1, S., adopted.
Ordered engrossed and read a third time.
The bill was then read a third time, and passed.

No. 595, S.

Senator Ackley offered amendment No. 1, S.,

— Which amendment was adopted.

Ordered engrossed and read a third time.

The bill was then read a third time, and passed.

The president called the president pro tempore to the chair.

No. 601, S.,

Ordered engrossed and read a third time.

The bill was then read a third time, and passed.

**BILLS AND RESOLUTIONS TO BE ORDERED
THIRD READING.****No. 687, A.,**

Read a second time.

Ordered to a third reading.

The bill was then read a third time, and concurred in.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.****No. 589, S.,**

No. 596, S., and

No. 597, S.,

Were severally read a third time, and passed.

No. 1157, A.,

Was read a third time, and concurred in.

YESTERDAY'S CALENDAR (Part 2).**MOTIONS FOR CONSIDERATION.****No. 587, S.**

Upon motion of Senator Zophy,

Laid over until Wednesday, July 16, 1913.

**BILLS AND RESOLUTIONS READY FOR ENGROSS-
MENT.****No. 394, S.**

Senator Zophy, with unanimous consent, withdrew amendment No. 2, S.

Upon motion of Senator Teasdale,

Laid over until Tuesday, July 15, 1913.

No. **557, S.**

Upon motion of Senator Bichler,
Placed at foot of today's calendar.

No. **603, S.**

Read second time.

Ordered engrossed and read a third time.

The bill was then read a third time, and passed.

**BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD
READING.**

Read second time.

No. **1193, A.**

Ordered to third reading.

The bill was then read a third time, and concurred in.

No. **246, A.**

Upon motion of Senator Glenn,

Laid over until Tuesday, July 15, 1913.

No. **1025, A.**

Upon motion of Senator Zophy,

Laid over until Thursday, July 17, 1913.

No. **1090, A.**

Senator Ackley offered amendment No. 2, S.

Senator Teasdale offered amendments No. 3, S., No. 4, S., and
No. 5, S.

Upon motion of Senator Teasdale,

Laid over until Wednesday, July 16, 1913.

The president resumed the chair.

**BILLS AND RESOLUTIONS READY FOR THIRD
READING.**

No. **497, S.**

Senator Skogmo, with unanimous consent, offered amendment
No. 2, S.,

Which amendment was adopted.

Upon motion of Senator Bosshard,

The bill was referred to a special committee, to consist of Sen-
ators Tomkins, Teasdale, and Skogmo.

No. **499, S.,** and

No. **550, S.,**

Were severally read a third time, and passed.

TODAY'S CALENDAR.

The president called the president pro tempore to the chair.

BILLS FOR REVISION.

Senator Teasdale, with unanimous consent, offered to revise the bill.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend the passage of the following bills for introduction bearing the following revision numbers: 652, 653, and 654.

H. C. MARSHALL

The bills were read by title and the recommendations of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **617, S.** (Revision No. 652). By Senator Burke, committee on Corporations.

No. **618, S.** (Revision No. 653). By Senator Kileen, committee on Judiciary.

No. **619, S.** (Revision No. 654). By Senator Marshall, special committee on Insurance.

EXECUTIVE COMMUNICATIONS.

No. **561, S.**

Senator Scott, with unanimous consent, moved that the bill be reconsidered, which motion prevailed.

Senator Scott, with unanimous consent, offered amendment 1, S.,

Which amendment was adopted.

Upon motion of Senator Scott,

Laid over until Wednesday, July 16, 1913.

BILLS AND RESOLUTIONS READY FOR ENGROSS-
MENT.

Read second time.

No. **608, S.**

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

No. **610, S.**

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

No. **612, S.**

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

No. **613, S.**

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

No. **614, S.**

Senator Skogmo offered amendment No. 1, S.,

Which amendment was adopted.

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

No. **230, A.**

Upon motion of Senator Bosshard,

Laid over until Wednesday, July 16, 1913.

Read second time.

No. **1069, A.**

Non-concurred in.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **518, S.,**

Upon motion of Senator Bosshard.

Laid over until Wednesday, July 16, 1913.

No. **557, S.**

Upon motion of Senator Scott,

Laid over until Wednesday, July 16, 1913.

MOTIONS.

Senator Zophy moved that the vote by which No. **1143**, was concurred in, be reconsidered, and the motion lie over Thursday, July 17, 1913,

Which motion prevailed.

Upon motion of Senator Bosshard,

The assembly was requested to return No. **1143, A.**, to senate.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted and asks concurrence in,

Jt. Res. No. 96, A.

And returns, as per request,

No. **487, A.**,

No. **617, A.**

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 96, A.,

Was concurred in.

Upon motion of Senator Scott, and with unanimous consent
The bills on the calendar for Tuesday, July 15, 1913, were ordered placed on the calendar for Wednesday, July 16, 1913.

ADJOURNMENT.

Upon motion of Senator Teasdale,

The senate adjourned until Tuesday, July 15, 1913, at 1 o'clock a. m. in accordance with Jt. Res. No. 96, A.

TUESDAY JULY 15, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president and president pro tempore being absent,

The senate was called to order by the chief clerk.

Upon motion of Senator Ackley,

Senator Tomkins was elected to preside for this session.

Upon motion of Senator Ackley,

The calling of the roll was dispensed with.

The journal of Friday, July 11, 1913, was approved.

ADJOURNMENT.

Upon motion of Senator Ackley,

The senate adjourned until 9:00 o'clock a. m. tomorrow.

The chief clerk, under rule 32, made the following correction
to bill No. **205, S.**:

Change the word "he" where it appears in line 3 of subsection 2
of section 560g—1 of the enrolled bill to "they."

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **142, S.**,

No. **205, S.**,

No. **295, S.**,

No. **504, S.**,

No. **508, S.**,

No. **541, S.**,

No. **542, S.**,

No. **563, S.**,

No. **566, S.**,

No. **575, S.**, and

No. **600, S.**,

Correctly enrolled at 3:10 o'clock p. m.

WEDNESDAY, JUNE 10, 1896

9:00 A. M.

The senate met.

The president in the chair.

Prayer was offered by the Rev. A. A. Ewing, of the Episcopal Church, Madison, Wis.

The roll was called and the following senators answered their names:

Senators Ackley, Albers, Bichler, Bishop, Boswell, Cunningham, Glenn, Hoyt, Huber, Husting, Kinsley, Linley, Martin A. E., Monk, Perry, Randolph, R. Skogmo, Snover, Teasdale, Tomkins, True, and Ziehl.

Absent—Senators Burke, Martin H. C., Stevens, and Tamm.

Absent with leave—Senator Weissleder and Whitcomb.

The journal of yesterday was approved.

SPECIAL ORDER FOR 9:00 O'CLOCK

No. 454, S.,

Was read a second time.

Senator Husting, for the special committee on Commerce, offered amendment No. 1, S., to substitute amendment No. 1 for amendment No. 2.

Which amendment was adopted.

The question was, Shall substitute amendment No. 1 be adopted?

Senator Husting addressed the senate.

Senator Kileen asked permission to take a seat near Senator Husting.

The president held that a senator has a right to take a seat in the chamber except when he votes or addresses the senate.

RECESS.

Upon motion of Senator Husting,

The senate took a recess until 2:00 o'clock p. m.

AFTERNOON SESSION.

2:00 O'CLOCK P. M.

The senate was called to order by the president.

MOTIONS.

Upon motion of Senator Teasdale,

The assembly was requested to return No. **1160, A.**, to the senate for amendment.

BILLS FOR REVISION.

With unanimous consent, Senator Kileen offered one bill, Senator Teasdale offered one bill, and Senator Scott offered one bill, by request, for revision.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **588, S.**,

Passage.

No. **1146, A.**,

Concurrence.

OTTO BOSSHARD,

Chairman.

The committee on Judiciary report and recommend:

No. **611, S.**,

Reference to calendar.

E. F. KILEEN,

Chairman.

No. **611, S.**,

Was referred to calendar.

SPECIAL ORDER FOR 9:00 O'CLOCK A. M., (CONTINUED.)

No. **454, S.**

The question was, Shall substitute amendment No. 1, S., be adopted?

The question was debated at length.

RECESS.

Upon motion of Senator Bosshard,

The senate took a recess until 7:30 o'clock p. m.

EVENING SESSION.

7:30 O'CLOCK

The president and president pro tempore being absent,
The senate was called to order by the chief clerk.
Upon motion of Senator Bosshard,
Senator True was elected to preside for this session.

SPECIAL ORDER FOR 9:00 O'CLOCK A. M. (Continued)

No. 454, S.

A bill to repeal section 1596a and sections 1596—1 to 76, inclusive, of the statutes, being part of chapter 652, 1911, and to create sections 1596—50 to 1596—85, in the statutes, relating to the construction and maintenance in or across navigable waters for the improvement of navigation and other purposes, and making an appropriation.

The question was, Shall substitute amendment No. 1 be adopted?

After debate,

The president in the chair,

Senator Bosshard offered amendment No. 2, S., to substitute amendment No. 1, S.

Senator Husting offered amendment No. 3, S., and amendment No. 4, S., to substitute amendment No. 1, S.

Senator Scott moved that the bill and amendments be taken until tomorrow and made a special order for 2:00 o'clock.

The ayes and noes were demanded, and the vote was: Ayes, 18; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bishop, Burke, Glenn, Kileen, Martin A. E., Perry, Scott, Snover, Stevens, and Zephy—13.

Noes—Senators Biehler, Bosshard, Culbertson, Cunningham, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, B. Richards, Skogmo, Tomkins, True, Weigle, Weissler, and Zephy—18.

Absent or not voting—Senator White—1.

And so the senate refused to lay the bill over.

Amendment No. 2, S., to substitute amendment No. 1, S., adopted.

Amendment No. 3, S., to substitute amendment No. 1, S., adopted.

Amendment No. 4, S., to substitute amendment No. 1, S., adopted.

The question then was, Shall substitute amendment No. 1, S., as amended, be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 10; absent or not voting, 1, as follows:

Ayes—Senators Bichler, Bosshard, Culbertson, Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder and Zophy—21.

Noes—Senators Ackley, Albers, Bishop, Burke, Cunningham, Kellogg, Kileen, Martin A. E., Perry, and Snover—10.

Absent or not voting—Senator White—1.

And so the substitute amendment was adopted.

The question then was, Shall the bill be ordered engrossed and read a third time?

The ayes and noes were demanded, and the vote was: Ayes, 23; noes, 8; absent or not voting, 1, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—23.

Noes—Senators Ackley, Albers, Bishop, Kellogg, Kileen, Martin A. E., Perry, and Snover—8.

Absent or not voting—Senator White—1.

And so the bill was ordered engrossed and read a third time.

No. 454, S.,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 25; noes, 6; absent or not voting, 1, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—25.

Noes—Senators Ackley, Albers, Bishop, Kellogg, Perry, and Snover—6.

Absent or not voting—Senator White—1.

And so the bill was passed.

Senator Tomkins moved that the vote by which No. 454, S., was passed, be reconsidered,

The ayes and noes were demanded, and the vote was: Ayes, 6; noes, 25; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bishop, Burke, Perry, and Snover—6.

Noes—Senators Bichler, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—25.

Absent or not voting—Senator White—1.

And so the senate refused to reconsider the vote.

No. 213, S.,

Indefinitely postponed.

Senator Ackley moved that the vote by which
was indefinitely postponed, be reconsidered,
Which motion was lost.

No. 466, S.,

Was read a second time, and

Indefinitely postponed.

Senator Bosshard moved, that the vote by which
was indefinitely postponed, be reconsidered,
Which motion was lost.

COMMITTEE REPORT.

The committee on Legislative Procedure report and
for introduction bills bearing the following revision
Nos. 650, 655, 656, 657, 658, 660.

H. C. MA

C

With unanimous consent, Senator Scott withdrew
revision No. 660.

The other five bills reported by the committee
title and the recommendation of the committee stood
of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. 620, S. (Revision No. 650). By Senator
committee on Corporations.

No. 621, S. (Revision No. 655). By Senator
committee on Corporations.

No. 622, S. (Revision No. 656). By Senator
committee on Corporations.

No. 623, S. (Revision No. 657). By Senator
committee on Education and Pu

No. 624, (Revision No. 658). By Senator
committee on Corporations.

BILLS FOR REVISION.

With unanimous consent, Senator Kileen offered
revision.

Upon motion of Senator H. C. Martin, and wi
consent,

The bills offered by Senator Kileen were ordered r
and referred to calendar.

BILLS INTRODUCED.

Read first time and referred.

No. **625, S.** (Revision No. 661). By Senator Kileen. To calendar.

No. **626, S.** (Revision No. 662). By Senator Kileen. To calendar.

SPECIAL ORDER FOR 7:30 O'CLOCK P. M.

No. **748, A.**

Upon motion of Senator A. E. Martin,

Laid over until tomorrow, and made a special order for 9:00 o'clock a. m.

ADJOURNMENT.

Upon motion of Senator Randolph,

The senate adjourned until 9:00 o'clock a. m. tomorrow.

CHIEF CLERK'S CORRECTIONS.

The chief clerk under rule 32, made the following corrections to bill No. **454, S.**,

Strike out the figures "1596—77" where they occur in the second line of the title of the printed bill and insert in lieu thereof the figures "1596—78".

In the first line of section 2 strike out the word "twenty-eight" and insert in lieu thereof the word "twenty-nine."

In line 4 of section 2 strike out the figures "1596—77" and insert in lieu thereof the figures "1596—78".

THURSDAY, JULY
9:00 O'

The senate met.

The president in the chair.

Prayer was offered by the Rev. A. A. Ewing.

The roll was called and the following senators
their names:

Senators Albers, Bichler, Bishop, Bosshard, Burke,
Cunningham, Glenn, Hoyt, Huber, Husting, Kell
Linley, Martin A. E., Martin H. C., Monk, Perr
Richards, Scott, Skogmo, Snover, Stevens, Teasda
True, Weigle, Weissleder, and Zophy—30.

Absent—Senator Ackley—1.

Absent with leave—Senator White—1.

LEAVE OF ABSENCE.

Upon request,

Indefinite leave of absence was granted to Senator

Upon request of Senator Tomkins,

Leave of absence was granted to Senator Ackley
sion.

The journal of yesterday was approved.

SPECIAL ORDER, FOR 9 O'CLOCK A

No. **748, A.,**

A bill to create section 1565d—1 of the statutes, r
transfer of liquor licenses from place to place.

Senator Bichler moved that the bill be returned to
as per request.

The ayes and noes were demanded, and the vote w
noes, 15; absent or not voting, 6, as follows:

Ayes—Senators Biehler, Burke, Cunningham, Hoyt, Husting, Randolph, Richards, Stevens, Weigle, Weissleder, and Zophy—11.

Noes—Senators Albers, Bosshard, Culbertson, Glenn, Huber, Kellogg, Kileen, Linley, Monk, Perry, Scott, Skogmo, Teasdale, Tomkins, and True—15.

Absent or not voting—Senators Ackley, Bishop, Martin A. E., Martin H. C., Snover, and White—6.

And so the senate refused to return the bill to the assembly.

Senator Bosshard moved that the vote by which the senate refused to return No. **748, A.**, to the assembly be reconsidered,

Which motion was lost.

No. **748, A.**,

Was read a second time, and

Non-concurred in.

RESOLUTION INTRODUCED.

Ht. Res. No. 65, S.,

Relating to the death of the Hon. Charles S. Taylor.

On June 20th, 1913, the people of this state learned with profound regret of the death of former Assemblyman and Senator Charles S. Taylor, at his home, in Barron, Wisconsin.

The death of Senator Taylor closed a career of uncommon usefulness, and marked the end of a successful life devoted unselfishly to the cause of humanity.

He was born at Lake Geneva, Wisconsin, October 13, 1851, his parents being natives of New York, who came to Wisconsin in 1840. Mr. Taylor's early life was spent on his father's farm in Marquette county, and he received his early education in this district school, the state university, and the Whitewater Normal School. In 1876 he graduated from the law department of the state university, was appointed district attorney of Barron county by Governor Ludington to fill a vacancy in 1876 and was re-elected three times. He remained in the practice of his profession until 1886 when he gave up the practice of law and gave his attention almost exclusively to the management of the Barron Woolen Mills, which he established and of which he was president at the time of his death.

He was elected a member of the assembly in 1885, and re-elected in 1887. In 1889 he was elected state senator in the 24th district, which then comprised Barron, Bayfield, Burnett, Douglas, Polk, Sawyer and Washburn counties.

Mr. Taylor was at different times alderman and supervisor

from the fourth ward of the city of Barron, and the county board. From its organization until was a member of the Water and Light Commission. He was many times a delegate to the state convention of the Republican party, and in 1896 was a delegate from the congressional district to the Republican national convention at St. Louis which nominated President McKinley.

Mr. Taylor has done as much, perhaps, as any man in Barron county towards developing the resources of the territory. It was through Mr. Taylor's efforts largely that a law was passed by the legislature that settled for all time the controversy.

With the belief that the future of Barron county lay in the dairy industry, he assisted in the establishment of a creamery—one of the two largest in the state, and the largest in the country—of which he was the first manager, and to promote the raising of better cattle, pure bred, he distributed among the farmers in the territory thousands of dollars worth of pure bred sires.

Mr. Taylor was a public spirited man of the highest character, interested in everything pertaining to the welfare of the county and his fellowmen and was beloved by all who knew him. Therefore, he it

Resolved, by the senate, the assembly concurring, that the expression of the sentiment of the legislature be placed on file with the official proceedings of the day as a tribute to the respected citizen and honored official, and that a copy of the resolution suitably engrossed and properly authenticated be committed to the family of the deceased senator.

By Senator Scott.

Adopted by a unanimous rising vote.

BILLS FOR REVISION.

With unanimous consent,
Senator Kileen offered one bill for revision.

BILLS INTRODUCED.

By unanimous consent,
Senator Randolph was given leave to introduce a bill,
Senator Richards was given leave to introduce a bill.
Read first time and referred.

No. **627, S.** By Senator Randolph. To special committee on Highways.

No. **628, S.** By Senator Richards. To committee on Judiciary.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **618, S.**,

Reference to calendar.

E. F. KILEEN,
Chairman.

No. **618, S.**,

Was referred to the calendar.

No. **404, S.**,

Indefinite postponement.

No. **572, S.**,

Adoption of substitute amendment No. 1, S., and passage.

No. **517, S.**,

Without recommendation.

No. **1138, A.**,

Non-concurrence

W. T. STEVENS,
Acting Chairman.

The special committee on Highways report and recommend:

No. **609, S.**,

Passage.

TIMOTHY BURKE,
Chairman.

EXECUTIVE COMMUNICATIONS.

To the Honorable, the Senate:

Pursuant to the statute governing, I hereby nominate and by and with the advice and consent of the senate, appoint the following:

Percy Ap Roberts, of River Falls, to be Civil Service Commissioner, for the term ending on the 21st day of June, 1919.

John A. Sholts, of Sparta, to be State Fish and Game Warden, for the term ending the 7th day of June, 1915.

Dr. Otho Fiedler, of Sheboygan, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1920.

Dr. Edward S. Hayes of Eau Claire, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1919.

Dr. H. A. Meilike, of Clintonville, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1917.

Dr. Charles H. Stoddard of Milwaukee to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1915.

Dr. Charles Sutherland of Janesville to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1914.

Respectfully submitted
FRANCIS E. MCGOWAN

July 16, 1913.

To the Honorable, the Legislature:

Pursuant to the authority conferred by laws of the Wisconsin Legislature at its session more than three hundred Wisconsin veterans of the Civil War who fought at Gettysburg attended the celebration of the fiftieth anniversary of that great battle during the month of July of the present month. Besides myself and military attaché William J. Cronyn, General Frederick C. Winkler, member of the Gettysburg Commission from Wisconsin, and Adjutant General John G. Salsmann and Dr. Gilbert H. Smith of the Surgeon General's staff of the Wisconsin National Guard accompanied them. The trip was made pleasantly and although the weather was exceptionally hot there was no serious illness, little sickness and but a single death—that of Edward J. Wauwatosa, who died of heart failure the first day of the camp.

The commendable generosity of the state in providing funds sufficient to cover the expenses of this trip afforded an opportunity to the venerable survivors of that great decisive conflict who live in Wisconsin to meet and converse with their comrades in arms from every part of the Union, to witness scenes of their former heroic struggles, and to renew the friendships they had formed in the service of their country.

ago. It was a genuine reunion of all who contended upon this historic battlefield, whether they wore the blue or the gray, in which Confederate soldiers vied with their former foes in patriotic loyalty and devotion to the flag. Striking proof was thus afforded that all the bitterness of the Rebellion has forever been buried and that every section of the country accepts in perfect good faith the outcome of the war,—a spectacle as gratifying and inspiring to those who witnessed it as it is prophetic of the future progress, security and glory of our country.

On the way to Gettysburg and again while we were returning home the members of the entire Wisconsin delegation requested me to communicate to you and through you to the people of the state their deep appreciation of the consideration and liberality which made it possible for them to attend this happy and memorable gathering. In compliance with this request I lay this brief report before you.

Respectfully submitted,
FRANCIS E. McGOVERN,
Governor.

July 16, 1913.

To the Honorable, the Senate:

It is unfortunate that action upon some of the most important bills presented to the present legislature, including measures submitted for the redemption of platform pledges, has been postponed until the closing days of the session. The danger is that in the hurry incident to this period of your legislative labors you may lose track of some of these bills. Indeed, an instance of this kind has already occurred. Bill Number 839, A., introduced in the Assembly by Mr. Axel Johnson and passed by that branch of the legislature, was recently nonconcurring in by the Senate without debate and without a roll call. It provides a way whereby a new party may have its ticket placed upon the official ballot and if enacted would remedy a strange omission in the statute law of our state. It was introduced to redeem the following pledge made by the Republican party in its platform of last year:

“We pledge the passage of an amendment to our election laws which will permit the placing of the ticket of a new

party on the primary and general election unreasonable restrictions."

In a body overwhelmingly Republican as the party is, this bill should not be thus defeated; without it may be revived, your action upon it reconsidered and it may be passed. Republican members of the Senate may have overlooked this part of the platform of their party and thus overlooked the necessity of enacting this bill into law. Avertence such as this may be accounted for in part but is not wholly excused by the omission of this plank from the Republican state platform as this platform has been in the Blue Book just issued. But neither the disclaimer of this pledge from the Blue Book nor from the copy of the Republican platform on file in the office of the secretary of state doubtfully relied upon by the compilers of the Blue Book alter the fact of the adoption of this plank by the party as part of its platform last year. To the knowledge of the writer this pledge was unanimously adopted by a committee on resolutions, of which he was chairman, and incorporated in the platform without a single dissent. It was printed as such in the newspaper accounts of the proceedings of the state convention and was published as part of the platform of their party by the Republican State Central Committee during the political campaign that ensued. How and why it has since been abstracted from the copy of the platform on file in the office of the secretary of state and so omitted from the Blue Book is another matter. Beyond question the election pledges upon which the party now stands were elected; and nothing remains for us to do but to enforce them.

But the existence of a party pledge should not be a reason to secure the enactment of legislation of this sort. No reason can be given for neglecting to provide a way for the party which a new party may have the names of its members and office placed upon the primary and general election platform in order that it may submit its cause to the voters of the state. An attempt to perpetuate existing party control or to prevent a political organization from arising by means of a technical obstacle of this sort is utterly indefensible in principle. In practice is much more likely to defeat those who seek to hamper or delay others. Thus the requirements of morality that apply to all strongly reinforce the

ing upon the Republican members of the present legislature to pass this bill.

In Wisconsin of all places and among Republicans especially it should not be necessary again to reargue the question of the duty of redeeming in perfect good faith every party pledge given to the voters at election time. In each campaign in this state for a dozen years platform pledges when accepted by the people by electing to office those who made them have been regarded as a contract, a solemn covenant successful candidates have no right after the event either to alter or to ignore. In a word, fidelity to platform pledges has become a cardinal doctrine of our political faith. We must not now entertain the thought of departing from a course the correctness of which no right-minded person will question.

I therefore respectfully recommend to the Senate a reconsideration of its action whereby Bill Number 839, A., was non-concurred in; and the adoption of this or some similar measure which will without unreasonable restriction permit the ticket of a new party to be placed on the primary and general election ballot.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

July 16, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 97, A.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 97, A.,

Was concurred in.

YESTERDAY'S CALENDAR

ASSEMBLY MESSAGES CONSIDERED

No. 487, A.,

A bill to appoint a special committee to inquire into the forest reserve, prohibit the purchase of forest land, July 1, 1915, and making appropriation therefor.

The president stated:

The last action taken on this bill was upon the question of concurrence. The bill had been read a third time, and the question was "concurred in?" A motion was made that the bill be concurred in, and a roll call vote was had on that question. The vote was in the negative, and under the parliamentary rules, on questions, any other motion in order taking precedence. A motion to non-concur, this action was considered. The question of concurrence in the bill. Question has been asked whether constitutional sufficiency of a negative action upon a bill is a precedent question upon the final passage of a bill, and the president of the chair that the safer course is to put the question positively.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the yeas, 19; noes, 10; paired, 2; absent or not voting, 1.

Ayes—Senators Albers, Biehler, Bishop, Cunningham, Glenn, Huber, Kellogg, Kile, Martin H. C., Perry, Scott, Snover, Stevens, and Weissleder—19.

Noes—Senators Bosshard, Hoyt, Huston, Randolph, Richards, Skogmo, Tomkins, and

Paired—Senator Ackley for the bill, Senator

bill—2.

Absent or not voting—Senator White—1.

And so the bill was concurred in.

Senator Stevens moved that the vote by which the bill was concurred in, be reconsidered.

Which motion was lost.

No. 617, A.,

A bill to repeal sections 1636—18 to 1636—29, and to create sections 1636—18 to 1636—30, in the act of 1907, relating to the regulation of the game, providing a penalty.

The vote by which the senate refused to concur in the bill was reconsidered.

Senator A. E. Martin, with unanimous consent, moved amendment No. 1, S.,

Which amendment was adopted.

The bill was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 29;

noes, none; absent or not voting, 3, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—29.

Noes—None.

Absent or not voting—Senators Ackley, Hustling, and White—3.

And so the bill was concurred in.

MOTIONS CONSIDERED.

No. **587, S.**,

A bill to create section 1060a of the statutes, relating to the board of review in cities of the first class.

The question was upon the motion of Senator Zophy to reconsider the vote by which the bill was passed.

Senator A. E. Martin rose to a point of order that if Senator Zophy did not vote with the majority, he could not move to reconsider.

The president held: The point of order, to be well taken, should have been made when the motion to reconsider was made. The motion was entered several days ago and is now pending. This is the general rule for all motions and there is an added reason why this is so in the case of a motion to reconsider that does not apply to all motions.

The motion to reconsider having been entered and laid over, it precluded any other senator making such a motion within the reconsideration period, and it must be acted upon, or other senators who voted with the majority would be deprived of their right to make such a motion.

The question was, Shall the vote by which No. **587, S.**, was passed be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 3; noes, 25; absent or not voting, 4, as follows:

Ayes—Senators Hoyt, Monk, and Zophy—3.

Noes—Senators Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Huber, Hustling, Kellogg, Kileen, Linley, Martin A. E., Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and Weissleder—25.

Absent or not voting—Senators Ackley, Burke, Martin H. C., and White—4.

And so the senate refused to reconsider the vote.

No. 1196, A.

Upon motion of Senator Scott,
Laid over until Tuesday, July 22, 1913.

**BILLS AND RESOLUTIONS READY FOR
MENT.****No. 394, S.**

Senator Kileen, with unanimous consent,
Withdrew amendment No. 3, S.
Upon motion of Senator Zophy,
The bill was placed at the foot of the calendar.

No. 557, S.,

A bill to create section 1900f of the statutes, relating to
ments for co-operation to reduce expenses and losses, and to the
ance, and to the publicity and supervision of such

Was read a second time.

The question was, Shall the bill be ordered engrossed
a third time?

The ayes and noes were demanded, and the vote was—
noes, 8; absent or not voting, 5, as follows:

Ayes—Senators Bishop, Culbertson, Cunningham,
Huber, Hustling, Kileen, Linley, Martin H. C., Mendenhall,
Scott, Skogmo, Teasdale, Tomkins, True, and Zophy—19.

Noes—Senators Albers, Bichler, Kellogg, Perry, Snover, Stevens, and Weigle—8.

Absent or not voting—Senators Ackley, Bosshart, Richards, and White—5.

And so the bill was ordered engrossed and read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was—
noes, 7; absent or not voting, 5, as follows:

Ayes—Senators Bishop, Culbertson, Cunningham, Huber, Hustling, Kileen, Linley, Martin H. C., Mendenhall, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, and Zophy—20.

Noes—Senators Albers, Bichler, Kellogg, Martin, Snover, and Weigle—7.

Absent or not voting—Senators Ackley, Bosshart, Richards, and White—5.

And so the bill was passed.

Senator Randolph moved that the vote by which the bill was passed, be reconsidered,

Which motion was lost.

BILLS AND RESOLUTIONS TO BE ORDERED TO
THIRD READING.

No. **230, A.**

Upon motion of Senator Husting,
Placed at the foot of the calendar.

Read second time.

No. **246, A.**

Non-concurred in.

No. **1025, A.,**

A bill to repeal sections 604a, 604t, 697—45, 697—46, 697—47, 697—48, 697—49 of the statutes, and to create sections 697—45, 697—46, 697—47, 697—48, 697—49 and 697—49b of the statutes, to provide a board of administration in counties of two hundred and fifty thousand inhabitants or more to manage and control the county almshouse, the hospital for destitute sick persons, the poor farm, county water works, department for outdoor relief, hospital for insane, asylum for chronic insane, home for dependent children and the school for agriculture and domestic science and providing a penalty.

The question was, Shall the bill be non-concurred in?

A division was called for, and the bill was non-concurred in.

Senator Weigle moved that the vote by which the bill was non-concurred in, be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 4; noes, 24; absent or not voting, 4, as follows:

Ayes—Senators Bishop, Richards, Scott, and Zophy—4.

Noes—Senators Albers, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, and Weissleder—24.

Absent or not voting—Senators Ackley, Bichler, Burke, and White—4.

And so the senate refused to reconsider the vote.

No. **1090, A.**

Upon motion of Senator H. C. Martin,
Placed at the foot of the calendar.

The president called the president pro tempore to the chair.

BILLS AND RESOLUTIONS READY FOR THIRD
READING.

No. **89, S.,**

A bill to create sections 5790—1 to 5790—5, inclusive, of the statutes, relating to a hospital and school for the crippled and deformed children and making an appropriation therefor.

Senator Cunningham asked unanimous consent to offer amendment.

Senator Teasdale objected.

Senator Cunningham moved that all rules interfere be suspended, and that the amendment be received.

The ayes and noes were required, and the vote was ayes, 4; noes, 4; paired, 2, absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Burke, Cunningham, Glenn, Hoyt, Husting, Kellogg, Kile, Martin A. E., Perry, Randolph, Richards, Scott, St. John, Weagle, Weissleder, and Zophy—22.

Noes—Senators Martin H. C., Skogmo, Teasdale, and Zophy—4.

Paired—Senator Ackley for the bill, Senator Hubert for the bill—2.

Absent or not voting—Senators Albers, Monk, and White—4.

And so the rules were suspended and the amendment No. 1, S., was adopted.

RECESS.

Upon motion of Senator Kileen,
The senate took a recess until 2:30 o'clock p. m.

AFTERNOON SESSION.

2:30 O'Clock.

The senate was called to order by the president.

MOTIONS.

Upon motion of Senator Kileen,
The assembly was requested to return No. **839, A.**

BILLS FOR REVISION.

Senator Richards asked unanimous consent to offer amendment for revision.

Senator Teasdale objected and the bill was not received.

COMMITTEE REPORT.

The committee on Legislative Procedure report and recommend for introduction bills bearing the following revision numbers:

Nos. 607, 625, 659, 665.

H. C. MARTIN,
Chairman.

The bills were read by title, and the recommendation of the committee stood as the order of the senate.

BILLS INTRODUCED.

Read first time and referred.

No. **629, S.** (Revision No. 607). By committee on Judiciary.
To calendar.

No. **630, S.** (Revision No. 625). By Committee on Judiciary.
To calendar.

No. **631, S.** (Revision No. 659). By Senator Teasdale. To
calendar.

No. **632, S.** (Revision No. 665). By Senator Kileen. To
calendar.

COMMITTEE REPORTS.

The committee on Judiciary report and recommend:

No. **628, S.,**

Reference to calendar.

E. F. KILEEN,
Chairman.

No. **628, S.,**

Was referred to the calendar.

The committee on Education and Public Welfare report and recommend:

No. **623, S.,**

Passage.

No. **252, A.,**

Non-concurrence, Senators Teasdale and Albers dissenting.

Jt. Res. No. 63, S.,

Indefinite postponement.

HOWARD TEASDALE,
Chairman.

The committee on Corporations report and re
No. **215, S.**,
Indefinite postponement.

OTTO B

The committee on State Affairs report:
No. **1197, A.**,
Without recommendation.

W. T.

The special committee on Highways report a
No. **627, S.**,
Passage.

TIMOTHY

The joint committee on Finance report and re
A bill to create sections 172—1, etc., of the
of former appropriations and making appropri
ous state officers, departments, boards, comm
bodies therein named.

Introduction and passage.

G. J.

By unanimous consent, the bill was received

YESTERDAY'S CALENDAR (Con

BILLS AND RESOLUTIONS READY FOR READING.

No. **89, S.**,

A bill to create sections 5790—1 to 5790—5,
statutes, relating to a hospital and school for th
formed children and making an appropriation t

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vot
noes, 5; paired, 6; absent or not voting, 6, as fo

Ayes—Senators Albers, Bichler, Bosshard, C
Husting, Kileen, Linley, Martin A. E., I
Richards, Snover, Stevens, and Zophy—15.

Noes—Senators Hoyt, Martin H. C., Sco
Teasdale—5.

Paired—Senators Ackley, Weissleder and W
Senators Huber, Tomkins and True against the

Absent or not voting—Senators Bishop, B
Kellogg, Monk, and Weigle—6.

And so the bill was passed.

Senator Cunningham moved that the vote by which the bill was passed be reconsidered.

Which motion was lost.

No. 202, S.

Senator Stevens, with unanimous consent, offered substitute amendment No. 1, S.

Upon motion of Senator Husting, and with unanimous consent, Laid over until Tuesday, July 22, 1913.

No. 518, S.,

Was refused passage.

No. 561, S.,

A bill to create section 3021—1 and subsection 3, section 172—24 of the statutes, relating to the geological and natural history survey, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 17; noes, 4; absent or not voting, 11, as follows:

Ayes—Senators Bichler, Bosshard, Glenn, Hoyt, Huber, Husting, Kileen, Linley, Martin A. E., Martin H. C., Randolph, Richards, Scott, Skogmo, Tomkins, True, and Zophy—17.

Noes—Senators Albers, Perry, Snover, and Teasdale—4.

Absent or not voting—Senators Ackley, Bishop, Burke, Culbertson, Cunningham, Kellogg, Monk, Stevens, Weigle, Weissleder, and White—11.

And so the bill was passed.

CHIEF CLERK'S CORRECTION.

The chief clerk, under rule 32, made the following correction to bill No. **561, S.**:

Correct the title in line 1 by inserting after the figure "3" the word "of."

Further correct section 1, by inserting after the word "section" in line 1 the words and figures "and to section 172—24," and by striking out in line 2 of said section the word "and."

The president called Senator Monk to the chair.

No. 385, A.

Upon motion of Senator Teasdale,

Laid over until Wednesday, July 23, 1913.

No. 1176, A.,

A bill to repeal sections 1404, 1405, 1406, 1407, 1408, 1408m—1, 1408m—2, 1408m—3, 1408m—4, 1408m—5, 1408m—6, 1408m

—7, 1409, 1409a, and 1022—5, and subsection 4 of section 8, to create sections 1404, 1405, 1406, 1406a, 1406b, amend subsections 2 and 3 of section 1406m, to create 6a of section 1406m, and section 1406m—1, to amend 1407m—1 to 1407m—6, inclusive, 1409a—1 and subsection 2 of section 1409a—2 and sections 1411 and 1412, to create 1412—1, to amend sections 1412m—1, 1412m—2, and to create sections 1416 and 1421—2, subsection 5 of sections 1022—1 to 1022—4, inclusive, subsection 5 of sections 1022—8, sections 1022—10 and 1022—22, 1409a—6, 1409a—9, 1409—11 and 1409—1 to 1409—10, inclusive of the creating the state department of health, prescribing duties of officers, and making an appropriation,

Was read a third time.

Senator Tomkins, with unanimous consent, offered amendment No. 1, S.,

Which amendment was adopted.

Senator Richards asked unanimous consent to offer amendment.

Senator Hoyt objected.

Senator Richards then moved that all rules interfering be suspended, and the amendment be received.

The ayes and noes were required, and the vote was: noes, 5; paired, 2; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bishop, Bosshard, Burke, Cunningham, Hustling, Kileen, Linley, Martin A. E., Richards, Snover, Teasdale, Tomkins, and Zophy—15.

Noes—Senators Hoyt, Huber, Perry, Scott, and True.

Paired—Senator Monk for the bill, Senator Kellogg against the bill—2.

Absent or not voting—Senators Ackley, Bichler, Cunningham, Glenn, Martin H. C., Randolph, Stevens, Weigle, White, and White—10.

And so the rules were suspended, and the amendment received.

The question was, Shall amendment No. 2, S., be adopted?

The ayes and noes were demanded, and the vote was: noes, 13; paired, 2; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bishop, Linley, Richards, Snover, and Teasdale—7.

Noes—Senators Bosshard, Burke, Glenn, Hoyt, Kileen, Martin A. E., Martin H. C., Perry, Scott, True, and Zophy—13.

Paired—Senator Monk for the bill, Senator Kellogg against the bill—2.

Absent or not voting—Senators Ackley, Bichler, Cunningham, Huber, Randolph, Stevens, Weigle, White, and White—10.

And so the amendment was refused adoption.

The question then was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 10; noes, 9; paired, 6; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Husting, Martin H. C., Scott, Skogmo, Tomkins, True, and Zophy—10.

Noes—Senators Albers, Bishop, Burke, Kileen, Martin A. E., Perry, Richards, Snover, and Teasdale—9.

Paired—Senators Huber, Linley, and Monk for the bill, Senators Cunningham, Kellogg, and Weissleder against the bill—6.

Absent or not voting—Senators Ackley, Bichler, Culbertson, Randolph, Stevens, Weigle, and White—7.

And so the bill was concurred in.

Senator Hoyt moved that the vote by which the bill was concurred in be reconsidered.

Senator Husting rose to a point of parliamentary inquiry, whether, but nineteen votes having been cast, the bill had not failed to receive the vote required by the constitution upon appropriation bills.

The president held that whereas Senators Cunningham, Linley, and Monk, who were paired, were present, a three-fifth quorum, as required by the constitution, was present, and the bill regularly concurred in.

The question was, Shall the vote by which No. **1176, A.**, was concurred in be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 10; paired, 6; absent or not voting, 6, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Husting, Martin H. C., Scott, Skogmo, Tomkins, True, and Zophy—10.

Noes—Senators Albers, Bishop, Burke, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, and Teasdale—10.

Paired—Senators Huber, Linley, and Monk for the bill, Senators Cunningham, Kellogg, and Weissleder against the bill—6.

Absent or not voting—Senators Ackley, Bichler, Culbertson, Randolph, Weigle, and White—6.

And so the senate refused to reconsider the vote.

Senator Husting rose to a point of parliamentary inquiry, whether the president had held that the bill was concurred in.

The president stated that such had been the ruling of the chair.

Senator Albers appealed from the decision of the chair.

Senator Scott rose to a point of order that action on the bill having been taken since the ruling, an appeal was not now in order.

The president held the point of order well taken.

FOOT OF THE CALENDAR.

No. **394, S.**,

A bill to amend section 2577 of the statutes, making Lincoln's and Washington's birthdays legal holidays and relating to school sessions on said days.

Senator Zophy offered amendment No. 4, S.,
Which amendment was adopted.

Ordered engrossed and read a third time.

The bill was read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was
noes, 3; absent or not voting, 13, as follows:

Ayes—Senators Bosshard, Burke, Cunningham, G
Husting, Kileen, Linley, Monk, Richards, Scott, Skog
Teasdale, Tomkins, and Zophy—16.

Noes—Senators Albers, Perry, and Snover—3.

Absent or not voting—Senators Ackley, Bichler, B
bertson, Huber, Kellogg, Martin A. E., Martin H. C.
True, Weigle, Weissleder, and White—13.

And so the bill was passed.

No. 1090, A.,

A bill to create section 1729—10 of the statutes, p
one day's rest in seven for employes, and providing a
Was read a second time.

Senator Perry offered amendment No. 6, S.

Senator Bosshard offered amendment No. 7, S.

Amendment No. 1, S., refused adoption.

Amendment No. 2, S.

The question was, Shall the amendment be adopted?

A division was called for and the amendment
adoption.

Senator Teasdale offered amendment No. 1, S., to
No. 3, S.

The question was, Shall amendment No. 1, S., to
No. 3, S., be adopted?

The ayes and noes were demanded, and the vote was
noes, 7; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bisho
Glenn, Husting, Monk, Perry, Richards, Scott, Sta
dale, and Zophy—14.

Noes—Senators Bosshard, Hoyt, Kileen, Linley, M
Skogmo, and Tomkins—7.

Absent or not voting—Senators Culbertson, C
Huber, Kellogg, Martin A. E., Randolph, Snover, Tr
Weissleder, and White—11.

And so the amendment was adopted.

Amendment No. 3, S., as amended, was adopted.

Amendment No. 4, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was
noes, 10; absent or not voting, 12, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bish
Kileen, Perry, Richards, Stevens, and Teasdale—10.

Noes—Senators Bosshard, Glenn, Husting, Linley, Martin H. C., Monk, Scott, Skogmo, Tomkins, and Zophy—10.

Absent or not voting—Senators Culbertson, Cunningham, Hoyt, Huber, Kellogg, Martin A. E., Randolph, Snover, True, Weigle, Weissleder, and White—12.

And so the amendment was refused adoption.

Amendment No. 5, S.

Senator Teasdale offered amendment No. 1, S., to amendment No. 5, S.,

Which amendment was adopted.

The question was, Shall amendment No. 5, S., as amended, be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 8; noes, 13; absent or not voting, 11, as follows:

Ayes—Senators Ackley, Bichler, Burke, Glenn, Perry, Richards, Stevens, and Teasdale—8.

Noes—Senators Albers, Bishop, Bosshard, Hoyt, Husting, Kileen, Linley, Martin H. C., Monk, Scott, Skogmo, Tomkins, and Zophy—13.

Absent or not voting—Senators Culbertson, Cunningham, Huber, Kellogg, Martin A. E., Randolph, Snover, True, Weigle, Weissleder, and White—11.

And so the amendment was refused adoption.

RECESS.

Upon motion of Senator Ackley,

The senate took a recess until 8:00 o'clock p. m.

EVENING SESSION.

8:00 O'CLOCK P. M.

The senate was called to order by the president.

TODAY'S CALENDAR

Was taken up at this time by unanimous consent.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 66, S. By Senator Bosshard.

Was read first time, and

Upon motion of Senator Skogmo,

All rules interfering were suspended by unanimous consent, and the joint resolution was placed upon its adoption at this time.

The joint resolution was read a third time and unanimously adopted.

COMMITTEE REPORT.

The committee on Legislative Procedure report
for introduction bill bearing revision No. 666.
H, C. M.

The bill was read by title and the recommenda-
mittee stood as the order of the senate.

BILLS INTRODUCED.

Read first and time and referred.
No. **633, S.**, (Revision No. 666). By Commit-
To calendar.

BILLS AND RESOLUTIONS READY FOR EN

No. **588, S.**

Upon motion of Senator Zophy,
Laid over until Wednesday, July 23, 1913.

No. **611, S.**

Upon motion of Senator Richards,
Laid over until Tuesday, July 22, 1913.

BILLS AND RESOLUTIONS TO BE OR
THIRD READING.

No. **1146, A.**,

Was read a second time, and ordered to a third

YESTERDAY'S CALENDAR (Contin

No. **1090, A.**,

A bill to create section 1729—10 of the statute
one day's rest in seven for employes, and providin
Senator Ackley moved that the bill be laid ove
day, July 23, 1913,

Which motion was lost.

Amendment No. 6, S.,

The question was, Shall the amendment be adop

The ayes and noes were demanded, and the vote
noes, 7; absent or not voting, 15, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke,
Kileen, Perry, Stevens, and Teasdale—10.

Noes—Senators Bosshard, Linley, Monk, Scott,
kins, and Zophy—7.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Hoyt, Huber, Kellogg, Martin A. E., Martin H. C., Randolph, Richards, Snover, True, Weigle, Weissleder, and White—15.

And so the amendment was adopted.

Senator Ackley moved, that the vote by which amendment No. 2, S., was refused adoption, be reconsidered.

The president put the affirmative of the question, when

Senator Bosshard rose to a point of order that Senator Ackley had not been in the chamber when the vote on amendment No. 2, S., was taken, and therefor could not move a reconsideration.

Senator Ackley rose to a point of order, that the point made by Senator Bosshard, could not hold after the question was put.

The president held the point of order by Senator Ackley well taken.

The question was, Shall the vote by which amendment No. 2, S., was refused adoption, be reconsidered?

A division was called for, and the senate refused to reconsider the vote.

Amendment No. 7, S., adopted.

Senator Bichler offered amendment No. 8, S.,

Which amendment was adopted.

The question then was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 10; absent or not voting, 13, as follows:

Ayes—Senators Ackley, Albers, Bichler, Burke, Glenn, Kileen, Perry, Stevens, and Teasdale—9.

Noes—Senators Bosshard, Husting, Linley, Martin H. C., Monk, Scott, Skogmo, Tomkins, Zophy, and Mr. President—10.

Absent or not voting—Senators Bishop, Culbertson, Cunningham, Hoyt, Huber, Kellogg, Martin A. E., Randolph, Richards, Snover, True, Weigle, Weissleder, and White—14.

And so the senate refused to non-concur in the bill, thereby ordering it to a third reading.

No. 1090, A.,

Was read a third time.

The question was, Shall the bill be concurred in?

A viva voce vote had been taken and the ayes appeared to have

Senator Teasdale asked for a roll call.

The ayes and noes were ordered.

Senator Ackley moved a

CALL OF THE SENATE.

The president ruled the motion out of order because the voting had commenced.

The question was, Shall No. **1090, A.**, be co

The ayes and noes were demanded, and the vo
noes, 5; absent or not voting, 14, as follows:

Ayes—Senators Ackley, Bosshard, Burke, Linley, Martin H. C., Monk, Scott, Skogmo, and Zophy—13.

Noes—Senators Albers, Bichler, Kileen, Perry,

Absent or not voting—Senators Bishop, Culbertson, Hoyt, Huber, Kellogg, Martin A. E., Randolph, True, Weigle, Weissleder, and White—14.

And so the bill was concurred in.

Senator Ackley moved that the vote by which concurred in, be reconsidered.

The question was, Shall the vote by which No concurred in be reconsidered?

Senator Ackley moved a

CALL OF THE SENATE

Which motion was seconded by a sufficient president directed the sergeant-at-arms to close clerk to call the roll.

The roll was called and the following senators names:

Senators Ackley, Albers, Bichler, Bosshard, Kileen, Linley, Martin H. C., Perry, Scott, Skogmo, Tomkins, and Zophy—15.

Absent—Senators Bishop, Burke, Culbertson, Hoyt, Huber, Kellogg, Martin A. E., Monk, Randolph, Snover, Stevens, True, and Weigle—15.

Absent with leave—Senators Weissleder and White

ADJOURNMENT.

On Friday, July 18, 1913, at 10:45 o'clock p.

Senator Teasdale moved that the senate adjourn.

The ayes and noes were required, and the votes, 13; absent or not voting, 5, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Culbertson, Kellogg, Kileen, Martin A. E., Perry, Teasdale, and Weigle—14.

Noes—Senators Bosshard, Culbertson, Glenn, Linley, Martin H. C., Monk, Scott, Skogmo, Tomkins, and Zophy—13.

Absent or not voting—Senators Hoyt, Randolph, Weissleder, and White—5.

And so the senate adjourned.

SATURDAY, JULY 19, 1913.

10:00 O'CLOCK A. M.

The senate met.

The president the chair.

Prayer was offered by the Rev. A. A. Ewing.

The roll was called and the following senators answered to their
mes:

Senators Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Glenn, Huber, Hustung, Kellogg, Kileen, Linley, Martin E., Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Casdale, Tomkins, True, Weigle, and Zophy—25.

Absent—Senators Ackley, Bosshard, Hoyt, Randolph, and Richards—5.

Absent with leave—Senators Weissleder and White—2.

COMMITTEE REPORTS.

The committee on Corporations report and recommend:

No. **619, S.**,

No. **620, S.**,

No. **624, S.**,

No. **621, S.**,

No. **617, S.**, and

No. **622, S.**,

Passage.

OTTO BOSSHARD,
Chairman.

The special committee on Conservation report and recommend:

No. **226, S.**,

Substitute amendment No. 1, S., and passage.

PAUL O. HUSTING,
Chairman.

The special committee on bill **497, S.**,
mend:

The adoption of amendment No. 3, S., and
Teasdale dissenting in part.

HOWARD T

THURSDAY'S CALENDAR

No. **1090, A.**

The question was, Shall the vote by which
curred in be reconsidered?

Senator Husting moved a

CALL OF THE SENATE.

Which motion was seconded by a [sufficient
president directed the sergeant-at-arms to call
the clerk to call the roll.

The roll was called and the following senator
names:

Senators Albers, Bichler, Bishop, Burke,
ningham, Glenn, Huber, Husting, Kellogg, K
tin A. E., Martin H. C., Monk, Perry, Scott
Stevens, Teasdale, Tomkins, True, Weigle, and

Absent—Senators Ackley, Bosshard, Hoy
Richards—5.

Absent with leave—Senators Weissleder and

Senator Bishop rose to a question of par
whether senators who were paired on the bill
call.

The president stated that all senators absent
subject to the call.

Senator Kileen rose to a question of par
whether leaves of absence could not be revoked

The president stated that such action would
permitted under call, by the rule.

Senator Teasdale moved that further proceed
be dispensed with.

Senator Kileen rose to a question of par
whether the motion was debatable.

The president stated that he was of the opinion
was not debatable, the rule providing that: "If
was under a call no business shall be transacted
and act on the report of the sergeant-at-arms; and
shall be in order, except a motion to adjourn, and
pend further proceedings under the call," the m
batable, being other business.

The question was, Shall further proceedings under the call be dispensed with?

The ayes and noes were required, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Snover, Stevens, Teasdale, and Weigle—14.

Noes—Senators Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Scott, Skogmo, Tomkins, True, and Zophy—12.

Absent or not voting—Senators Ackley, Bosshard, Randolph, Richards, Weissleder, and White—6.

And so the senate refused to dispense with further proceedings under the call.

ADJOURNMENT.

Senator Burke moved that the senate adjourn, and stated that requested unanimous consent to add to the motion that the time until Tuesday, July 22, at 10:00 o'clock a. m.

The president held the request out of order, because to entertain and put it would be transacting business not within the rule. The question was, Shall the senate adjourn?

The ayes and noes were required, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Snover, Stevens, Teasdale, and Weigle—14.

Noes—Senators Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Scott, Skogmo, Tomkins, True, and Zophy—12.

Absent or not voting—Senators Ackley, Bosshard, Randolph, Richards, Weissleder, and White—6.

And so the senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **539, S.**,

Correctly enrolled at 11:00 o'clock a. m.

MOND

The senate met.

The president in the chair.

Prayer was offered by the Rev. I. F. Ro
odist Episcopal church of Madison.

The roll was called and the following sen
names:

Senators Ackley, Albers, Bichler, Bish
Huber, Husting, Kellogg, Kileen, Martin
Perry, Richards, Scott, Snover, Teasdale,

Absent—Senators Bosshard, Burke, Cun
Monk, Randolph, Skogmo, Stevens, Tomk

Absent with leave—Senators Weissleder

The journal of Saturday, July 19, 1913, v

UNFINISHED BUSINESS

No. 1090, A.

The question was, Shall the vote by w
curred in be reconsidered?

Senator H. C. Martin moved a

CALL OF THE SENATE

Which motion was seconded by a suff
president directed the sergeant-at-arms to cl
clerk to call the roll.

The roll was called and the following sen
names:

Senators Ackley, Albers, Bichler, Bish
Huber, Husting, Kellogg, Kileen, Martin
Perry, Richards, Scott, Snover, Teasdale,

Absent—Senators Bosshard, Burke, Cun

ley, Monk, Randolph, Skogmo, Stevens, Tomkins, and Weigle—11.

Absent with leave—Senators Weissleder and White—2

Senator Teasdale moved that all leaves of absence be revoked.

The president held the motion out of order under the rule.

On Tuesday, July 22, 1913, at 11 o'clock, a. m.,

Senator H. C. Martin moved that further proceedings under the call be dispensed with.

The ayes and noes were required, and the vote was: Ayes, 30; noes, none; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, White, and Zophy—30.

Noes—None.

Absent or not voting—Senators Linley and Weigle—2.

And so further proceedings under the call were dispensed with.

No. 1090, A.,

A bill to create section 1729—10 of the statutes, providing for one day's rest in seven for employees, and providing a penalty.

The question was, Shall the vote by which the bill was concurred in be reconsidered?

Senator Burke moved the previous question on the motion to reconsider.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 17; noes, 13, paired, 2; absent or not voting, none, as follows

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, True, and Zophy—13.

Paired—Senator Linley for the bill, Senator Weigle against the bill—2.

Absent or not voting—None.

And so the main question was ordered to be now put.

The question then was, Shall the vote by which No. 1090, A., was concurred in be reconsidered?

The ayes and noes were demanded, and the vote was: Ayes, 17; noes, 13; paired, 2; absent or not voting, none, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Husting,

Martin H. C., Monk, Randolph, Scott, Skogmo and Zophy—13.

Paired—Senator Linley for the bill, Senator Skogmo for the bill—2.

Absent or not voting—None.

And so the vote was reconsidered.

The question was, Shall the bill be concurred in? Senator Skogmo debated the question, and the amendment which had been informally discussed by the members.

Senator Burke rose to a point of order, that the amendment of Senator Skogmo was not germane to the question.

The president held that debate bearing on the question of order.

Senator Skogmo asked unanimous consent to offer the following amendment:

Substitute amendment to bill No. **1090**,

A bill to create section 1729—10 of the statutes, to provide for one day's rest in eight for employes, and provide for the enforcement thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. There is added to the statutes of the state of Wisconsin, section 1729—10. 1. Every employer of labor, whether himself or another person, or a firm or corporation, or the state or any municipality therein, shall provide for the employment of any labor in, or connected with, any place of employment as defined in section 2394—41, and shall not require any laborer to work more than one day of twenty-four consecutive hours during any one day of twenty-four consecutive hours during any one day of twenty-four consecutive days, except in cases of positive emergency, or some sudden and serious peril or calamity to the public peace.

2. Every employer aforesaid who authorizes or permits the violation of any provision of subsection 1, shall be liable to a fine or forfeiture for each violation thereof not less than one hundred dollars for each offense to be recovered in the name of the state upon complaint of the industrial commission.

3. It shall be the duty of the industrial commission to enforce the provisions of this section.

4. When the industrial commission shall have held a hearing, that by reason of intermittent employment, or other conditions, the enforcement of subsection 1, in any place of employment, as defined in the statutes, is not required for the health or safety of employes in any place of employment, the commission may, by order of record and by order declare such an exemption from the requirements of this section. Such order shall be valid and the validity of orders issued under sections 1729—10 and 1729—11.

of the statutes, inclusive, and shall relieve the employer of such designated persons from liability under the provisions of this section, where such employer fully complies with the order of the commission.

5. Nothing in this section contained shall be construed as in any wise amending, altering, or repealing section 4595 of the statutes or any other statute relating to labor.

Section 2. This act shall take effect and be in force on and after January 1, 1914.

Senator Perry objected.

Senator Skogmo moved that all rules interfering be suspended and the amendment be received.

Senator Bosshard requested that the amendment be read by the clerk.

Senator Burke rose to a point of order that the amendment not having as yet been received, it could not be read by the clerk.

The president held the point of order not well taken, saying:

"This amendment has been laid before the senate by the motion to suspend the rules, and any senator has a right to have it read before voting on that motion. Under Jefferson's Manual 'Where papers are laid before the house, every member has a right to have them once read at the table before he can be compelled to vote on them'."

Senator Husting debated the question.

Senator Burke rose to a question of parliamentary inquiry, whether a motion to suspend the rules is debatable.

The president held that a motion to suspend the rules, not being included in the enumeration of non-debatable questions in the rules of the senate, was debatable, but that debate was limited to the question, and could not include debate on the proposed amendment.

The question was, Shall the rules be suspended and the amendment be received?

The ayes and noes were required, and the vote was: Ayes, 13; noes, 17; paired, 2; absent or not voting, none, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, True, and Zophy—13.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Paired—Senator Linley for the bill, Senator Weigle against the bill—2.

Absent or not voting—None.

And so the senate refused to suspend the rules, and receive the amendment.

The question was, Shall No. **1090, A.**, be concurred in?

Senator Culbertson moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote
noes, 13; paired, 2; absent or not voting, none, as

Ayes—Senators Ackley, Albers, Bichler, Bisho-
bertson, Cunningham, Kellogg, Kileen, Martin
Richards, Snover, Stevens, Teasdale, Weissleder

Noes—Senators Bosshard, Glenn, Hoyt, H
Martin H. C., Monk, Randolph, Scott, Skogmo,
and Zophy—13.

Paired—Senator Linley for the bill, Senator
the bill—2.

Absent or not voting—None.

And so the main question was ordered to be nov

Senator Bosshard moved that all rules interfering
and that he be permitted to offer the following am

Amendment to bill No. **1090, A.**

Amend section 1 of the engrossed bill by striking
word "therein" in line 4 of the printed bill the
those employes engaged in the practical operat
steam common carrier railroads," which were inser
ment No. 1, A.

Further strike out in lines 6 and 7 of the printed
and figures "the service of any corporation defin
1797—2 and 1797m—1, or".

Further by inserting after the word "with" in
printed bill the words "not less than".

Further by striking out in line 9 of the printed
"calendar week" and inserting in lieu thereof "peri
secutive days".

Further by striking out all of lines 11 and 12 of

Further amend by striking out all of subsection 2
—10 being lines 13 to 18 of the printed bill.

Further amend by changing the figure "3" in li
ure "2".

Further amend by striking out in line 19 of the
words "corporation which", and inserting in li
words "employer aforesaid who".

Further amend by striking out in line 21 of the
word "fifty" and inserting in lieu thereof the wor

Further amend by striking out in line 22 of the
words "the first", and inserting in lieu thereof th

Further amend by striking out in lines 22 and 23
bill the words "and for each subsequent offense, n
hundred nor more than five hundred dollars".

Further amend by inserting at the end of line 24
bill the words "upon complaint of the industrial

Further amend by changing the figure "4" i
figure "3".

Further amend by striking out in line 25 of the
word "railroad" and inserting in lieu thereof the
trial".

Further amend by striking out all of line 26 of the printed bill after the word "section" and all of lines 27 to 33 inclusive.

Further amend by striking out all of lines 34 to 45 inclusive and inserting in lieu thereof the following:

"4. When the industrial commission shall find, after notice and hearing, that by reason of intermittent employment or other labor conditions the enforcement of subsection 1 of this section in reference to any place of employment, as defined in section 2394—41 of the statutes, is not required for the health, safety or welfare of employees in any place of employment, it shall enter its findings of record and by order declare such employer exempt under the requirements of this section. Such order shall have the force and validity of orders issued under sections 2394—41 to 2394—71 of the statutes, inclusive, and shall relieve the employer of such designated persons from liability under the provisions of this section, where such employer fully complies with the order of the commission."

Further amend by striking out lines 46 and 47 of the printed bill and inserting in lieu thereof the following:

"5. Nothing in this section contained shall be construed as in any wise amending, altering, or repealing section 4595 of the statutes or any other statute relating to labor."

Amend section 2 of the printed bill by striking out the word and figures "August first, 1913" and inserting in lieu thereof the word and figures "January 1, 1914".

Further amend by striking out all matter inserted by amendments 3, S., 6, S., 7, S., and 8, S.

Senator Bosshard rose to debate the question.

The president held that the previous question having been ordered, debate was out of order.

The question was, Shall the rules be suspended, and the amendment received?

The ayes and noes were required, and the vote was: Ayes, 13; noes, 17; paired, 2; absent or not voting, none, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, True, and Zophy—13.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Paired—Senator Linley for the bill, Senator Weigle against the bill—2.

Absent or not voting—None.

And so the senate refused to suspend the rules and receive the amendment.

Senator Burke asked unanimous consent to offer the following amendment:

Substitute amendment to bill No. **1090, A.**

A bill to create section 2394—48m of the statutes, providing

for one day's rest in seven, for employes, and provide

The people of the state of Wisconsin, represented in assembly, do enact as follows:

Section 1. There is added to the statutes a new section 2394—48m. 1. Whenever it is necessary for the safety or welfare of employes, every employer of any person acting for himself or another person, or a firm or corporation for the state or any municipality therein, shall provide for any person employed by him at any labor in, or connected with, any employment as defined in section 2394—41, and for any person of the state or any municipality therein, with not less than one rest day of twenty-four consecutive hours during each week of eight consecutive days, except in cases of positive necessity caused by some sudden and serious peril or calamity to persons or property or the public peace. Every such employe who shall not have said weekly rest day on the first day of the week shall have the same once in each consecutive seven weeks.

2. Every employer aforesaid who authorizes, directs or permits the violation of any provisions of subsection 1 of section 2394—48m shall forfeit for each violation thereof not less than one hundred dollars for each offense, to be recovered by civil action in the name of the state. Complaints for recovery of such forfeitures shall only be made by the industrial commission.

3. It shall be the duty of the industrial commission to enforce the provisions of this section.

4. Upon petition by any person, or upon its own motion, if the commission shall learn that the health, safety, or welfare of employes in any place of employment, for any reason, is endangered, such employes be provided with rest periods as prescribed in section 1 of this section, the commission may, in its discretion, with or without notice, to make such investigation as may be necessary to determine the matter; and if it finds that a reasonable necessity therefor exists it shall enter such order as may be necessary with subsection 1 of this section, as may be necessary to make such employment safe and not injurious to the health, safety, or welfare of employes. Such order shall have the force and validity of law, and shall be issued under section 2394—53 of the statutes, and shall be subject to review as prescribed in sections 2394—57, 2394—58 and 2394—59 of the statutes.

5. Nothing in this section contained shall be construed to repeal section 4595 of the statutes, or any other statute relating to labor.

Section 2. This act shall take effect on and after January 1, 1914.

Senator Bosshard objected.

Senator Bosshard moved that all rules interfering with the consideration of the amendment received.

The ayes and noes were required, and the vote was taken. Ayes, 12; noes, 2; absent or not voting, none, as follows:

Ayes—Senators Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Husting, Kileen, Martin H. C., Monk, Randolph, Scott, Skogmo, Stevens, Tomkins, True, Weissleder, and Zophy—18.

Noes—Senators Ackley, Albers, Bichler, Bishop, Culbertson, Kellogg, Martin A. E., Perry, Richards, Snover, Teasdale, and White—12.

Paired—Senator Linley for the bill, Senator Weigle against the bill—2.

Absent or not voting—None.

And so the senate refused to suspend the rules and receive the amendment.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 17; paired, 2; absent or not voting, none, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Randolph, Scott, Skogmo, Tomkins, True, and Zophy—13.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Paired—Senator Linley for the bill, Senator Weigle against the bill—2.

Absent or not voting—None.

And so the senate refused to concur in the bill.

Senator Teasdale moved that the vote by which No. **1090**, **A.**, was refused concurrence, be reconsidered.

Senator Bosshard moved that the senate take a recess until 2 o'clock p. m.

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 17; absent or not voting, 3, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Monk, Scott, Skogmo, Tomkins, True, and Zophy—12.

Noes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Absent or not voting—Senators Linley, Randolph, and Weigle—3.

And so the senate refused to take a recess until 2:00 o'clock p. m.

The question was, Shall the vote by which No. **1090**, **A.**, was refused concurrence be reconsidered?

Senator Teasdale moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 17; noes, 12; paired, 2; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, Teasdale, Weissleder, and White—17.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Martin H. C., Monk, Scott, Skogmo, Tomkins, Zophy—12.

Paired—Senator Linley for the bill, Senator V. the bill—2.

Absent or not voting—Senator Randolph—1.

And so the main question was ordered to be now

The question then was, Shall the vote by which M was refused concurrence be reconsidered?

The ayes and noes were demanded, and the vote noes, 17; paired, 2; absent or not voting, 1, as follows.

Ayes—Senators Bosshard, Glenn, Hoyt, Huber, Martin H. C., Monk, Scott, Skogmo, Tomkins, Tru—12.

Noes—Senators Ackley, Albers, Bichler, Bishop, bertson, Cunningham, Kellogg, Kileen, Martin, Richards, Snover, Stevens, Teasdale, Weissleder, and

Paired—Senator Linley for the bill, Senator V. the bill—2.

Absent or not voting—Senator Randolph—1.

And so the senate refused to reconsider the vote.

RECESS.

Upon motion of Senator Skogmo,

The senate took a recess until 2:30 o'clock p. m.

2:30 O'C

The senate was called to order by the president.

LEAVE OF ABSENCE.

Upon request,

Indefinite leave of absence was granted to Senators Weissleder and White.

MOTIONS.

Upon motion of Senator Scott, and with unanimous vote, No. 311, S.,

Was recalled from the committee on Finance and

Upon motion of Senator Burke, and with unanimous consent,
The vote by which No. **461, S.**, was passed, was reconsidered.
Senator Burke, with unanimous consent, offered substitute
amendment No. 3, S.

Upon motion of Senator Skogmo,
All rules interfering were suspended by unanimous consent, and
the substitute amendment was considered at this time.
Substitute amendment No. 3, S., adopted.
No. **461, S.**, as amended,
Was passed.

Upon motion of Senator Richards, and with unanimous consent,
No. **611, S.**,
Was laid over until Wednesday, July 23, 1913.

Upon motion of Senator Tomkins, and with unanimous consent,
The vote by which No. **438, S.**, was indefinitely postponed,
was reconsidered.

No. **438, S.**
Upon motion of Senator Tomkins,
Was re-referred to the committee on Judiciary.

BILLS INTRODUCED.

By unanimous consent,
Senator A. E. Martin, for the committee on Corporations, was
given leave to introduce a bill.

Read first time and referred.

No. **634, S.** By Committee on Corporations. To committee
on Corporations.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has agreed
to a committee of conference, and has appointed as conferees,
Messrs. Chinnock, Hamata and Smith, on
No. **19, A.**

Has agreed to a committee of conference and appointed as con-
ferees, Messrs. Millar, Giudice and Gorecki, on
No. **490, A.**

Has agreed to a committee of conference and appointed as con-
ferees, Messrs. Richardson, Dolan and Vint, on
No. **1047, A.**

Has agreed to a committee of conference, and appointed as con-
ferees, Messrs. Spoor, Ott and Judson Hall, on
No. **192, S.**

UNFINISHED BUSINESS.

CALENDAR FOR WEDNESDAY, JULY

No. **230, A.**

Upon motion of Senator Weigle,
Placed at the foot of today's calendar.

CALENDAR FOR THURSDAY, JULY

No. **1146, A.**

By unanimous consent,
Placed at the foot of today's calendar.

CALENDAR FOR FRIDAY, JULY 18.

EXECUTIVE COMMUNICATIONS CONFIRMED.

Confirmation of nominations by the governor.

The question was, Shall the nomination by the
Percy Ap Roberts of River Falls, to be Civil
missioner for the term ending on the 21st day
be confirmed?

The ayes and noes were required, and the vote
24; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke,
Huber, Kellogg, Kileen, Martin A. E., Martin
Perry, Richards, Scott, Skogmo, Snover, Ste-
True, Weigle, Weissleder, White, and Zophy—

Noes—None.

Absent or not voting—Senators Ackley, L-
bertson, Cunningham, Husting, Linley, Rando-
kins—8.

And so the nomination was confirmed.

The question was, Shall the nomination by the g-
A. Sholts of Sparta, to be State Fish and Game W-
term ending on the 7th day of June, 1915, be confi-

The ayes and noes were required, and the vote
noes, none; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bur-
Huber, Kellogg, Kileen, Martin A. E., Martin
Perry, Richards, Scott, Skogmo, Snover, Stevens,
Weigle, Weissleder, White, and Zophy—24.

Noes—None.

Absent or not voting—Senators Ackley, Bossha-
Cunningham, Husting, Linley, Randolph, and T-
And so the nomination was confirmed.

By unanimous consent,

The following nominations were voted upon to-
Dr. Otho Fiedler, of Sheboygan, to be a mem-

Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1920.

Dr. Edward S. Hayes, of Eau Claire, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1919.

Dr. H. A. Meilike, of Clintonville, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1917.

Dr. Charles H. Stoddard of Milwaukee, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1915.

Dr. Charles Sutherland of Janesville, to be a member of the State Board of Health and Vital Statistics, for the term ending on the first Monday in February, 1914.

The question was, Shall the nominations be confirmed?

The ayes and noes were required, and the vote was: Ayes, 24; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Glenn, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, True, Weigle, Weissleder, White, and Zophy—24.

Noes—None.

Absent or not voting—Senators Ackley, Bosshard, Culbertson, Cunningham, Husting, Linley, Randolph, and Tomkins—8.

And so the nominations were confirmed.

BILLS AND RESOLUTIONS READY FOR ENGROSSMENT.

No. **571, S.**, and

No. **572, S.**

By unanimous consent,

Placed at the foot of today's calendar.

Read second time.

No. **609, S.**,

No. **623, S.**,

No. **627, S.**,

No. **628, S.**,

No. **629, S.**,

No. **630, S.**, and

No. **631, S.**,

Were severally ordered engrossed and read a third time, and were severally read a third time, and passed.

No. **633, S.**

Senator Tomkins offered amendment No. 1, S.,

Which amendment was adopted.

Upon motion of Senator Teasdale,

Placed at the foot of to-day's calendar.

Jt. Res. No. 63, S.,

No. **215, S.**, and

No. **404, S.**,

Were severally indefinitely postponed.

BILLS AND RESOLUTIONS TO BE ORDERED TO READING.

Read second time.

No. **252, A.**, and

No. **1138, A.**,

Were severally non-concurred in.

No. **1197, A.**,

Ordered to third reading.

The bill was then read a third time and concurred in.

TODAY'S CALENDAR (Monday).

BILLS AND RESOLUTIONS READY FOR ENGROSS

No. **226, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **226, S.**,

A bill to create sections 959—78k, 959—78l and 959—78m of the statutes, to provide for the improvement of the harbor fronts of incorporated villages and cities situated on navigable waterways within the state of Wisconsin for the acquirement, construction, maintenance and operation of docks, and for the acquirement by condemnation or otherwise of land for same; to provide for the creation of a board to supervise such work and to regulate and control the construction, maintenance and operation of belt railways, wharves, docks, slips, basins, other water-front lands, and of all structures, equipment and apparatus thereon, in said cities and towns; to provide for the authorization, issuance and sale of bonds, and the levying of a tax for carrying out the above purposes,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: ayes, 1; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Burke, Glenn, Hagedorn, Hogg, Martin A. E., Martin H. C., Monk, Richardson, Skogmo, Snover, Stevens, Teasdale, True, Weigle, and Zophy—19.

Noes—Senator Perry—1.

Absent or not voting—Senators Ackley, Bishop, Bossert,

bertson, Cunningham, Hoyt, Husting, Kileen, Linley, Randolph, Tomkins, and White—12.

And so the bill was passed.

No. **497, S.**,

A bill to create sections 4482c—1 and 4482j—1 of the statutes, relating to regulations as to lobbyists.

Amendment No. 3, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes 15; noes, 10; absent or not voting, 7, as follows:

Ayes—Senators Glenn, Hoyt, Huber, Kileen, Martin H. C., Monk, Richards, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—15.

Noes—Senators Albers, Bichler, Bishop, Burke, Kellogg, Martin A. E., Perry, Snover, Stevens, and White—10.

Absent or not voting—Senators Ackley, Bosshard, Culbertson, Cunningham, Husting, Linley, and Randolph—7.

And so the amendment was adopted.

Senator Zophy moved that the bill be placed at the foot of to-day's calendar.

The ayes and noes were demanded, and the vote was: Ayes, 11; noes, 13; absent or not voting, 8, as follows:

Ayes—Senators Glenn, Hoyt, Huber, Martin H. C., Monk, Richards, Scott, Skogmo, Tomkins, True, and Zophy—11.

Noes—Senators Albers, Bichler, Bishop, Burke, Kellogg, Kileen, Martin A. E., Perry, Snover, Stevens, Teasdale, Weigle, and Weissleder—13.

Absent or not voting—Senators Ackley, Bosshard, Culbertson, Cunningham, Husting, Linley, Randolph, and White—8.

And so the senate refused to place the bill at the foot of the calendar.

The question then was, Shall the bill be ordered engrossed and read a third time?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 12; absent or not voting, 8, as follows:

Ayes—Senators Glenn, Hoyt, Huber, Martin H. C., Monk, Richards, Scott, Skogmo, Tomkins, True, Weissleder, Zophy, and Mr. President—13.

Noes—Senators Albers, Bichler, Bishop, Burke, Kellogg, Kileen, Martin A. E., Perry, Snover, Stevens, Teasdale, and Weigle—12.

Absent or not voting—Senators Ackley, Bosshard, Culbertson, Cunningham, Husting, Linley, Randolph, and White—8.

And so the bill was ordered engrossed and read a third time.

The bill was then read a third time.

The question was, Shall the bill pass?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 12; absent or not voting, 8, as follows:

Ayes—Senators Glenn, Hoyt, Huber, Martin H. C. Richards, Scott, Skogmo, Tomkins, True, Weissleder, Zo Mr. President—13.

Noes—Senators Albers, Biehler, Bishop, Burke, Kellen, Martin A. E., Perry, Snover, Stevens, Teasdale Weigle—12.

Absent or not voting—Senators Ackley, Bosshard, Cunningham, Husting, Linley, Randolph, and White—8.
And so the bill was passed.

Read second time.

No. **617, S.**, and

No. **619, S.**,

Were severally ordered engrossed and read a third time, were severally read a third time, and passed.

No. **618, S.**

Ordered engrossed and read a third time.

Upon motion of Senator Tomkins,

Placed at the foot of this calendar.

The president called the president pro tempore to the chair.

No. **620, S.**,

No. **621, S.**,

No. **624, S.**, and

No. **632, S.**,

Were severally ordered engrossed and read a third time, were severally read a third time, and passed.

No. **622, S.**,

Was ordered engrossed and read a third time.

Upon motion of Senator Tomkins,

Placed at the foot of this calendar.

No. **625, S.**

Upon motion of Senator Tomkins,

Placed at the foot of this calendar.

No. **626, S.**,

Was ordered engrossed and read a third time.

No. **626, S.**,

A bill to repeal sections 1042a, 1058a, 1077m, 1087—41m and 1087—42 of the statutes; and to revise and amend sections 1042, 1042b, 1042i, 1051, 1057a, 1057b, 1057c, 1077a, 1077c, 1077d, 1077e, 1077f, 1077g, 1077h, 1077k, 1077l, 1081, 1087—31, 1087—39, 1087—44, 1087—46, 1087—47, 1087—52, 1087—53, 1087—54, 1087—55 and 1087—56 of the statutes, relating to assessment taxes and powers and duties of the tax commission,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Glenn, Hoyt, Huber, Kellogg, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bosshard, Culbertson, Cunningham, Husting, Kileen, Linley, Martin A. E., Randolph, True, Weissleder, and White—12.

And so the bill was passed.

The president resumed the chair.

FOOT OF CALENDAR.

No. 633, S.

Senator Scott, for the committee on Finance, offered amendment No. 2, S.,

Which amendment was adopted.

The bill was ordered engrossed and read a third time.

No. 633, S.,

A bill to create sections 172—1, 172—2, 172—3, 172—5, 172—7, 172—8, 172—9, 172—10, 172—11, 172—12, 172—13, 172—14, 172—15, 172—16, 172—17, 172—19, 172—20, 172—22, 172—24, 172—25, 172—26, 172—28, 172—30, 172—32, 172—33, 172—34, subsections 2 and 3 of section 172—37, sections 172—39, 172—40, 172—44, 172—46, 172—47, 172—50, 172—51, 172—52, 172—59, 172—60, 172—61, 172—63, subsection 56, section 172—67, sections 172—68, 172—69, 172—71, 172—72, 172—77, 172—85, 172—88, 172—89, 172—92, 172—93, 172—94, 172—98, 172—99, 172—101, 172—102, 172—105, 172—106, 172—114, 172—115, and 172—125 of the statutes, curative of former appropriations and making appropriations for the various state officers, departments, boards, commissions and other bodies therein named,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Glenn, Hoyt, Huber, Kellogg, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Weigle, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bossh
Cunningham, Husting, Kileen, Linley, Martin A
True, Weissleder, and White—12.

And so the bill was passed.

RECESS.

Upon motion of Senator H. C. Martin,
The senate took a recess until 7:30 o'clock p. m.

EVENING SESSION.

7:30

The senate was called to order by the president

BILLS INTRODUCED.

By unanimous consent,
Senator Teasdale was given leave to introduce a

No. **635, S.** By Senator Teasdale.

Was read first time, and

Upon motion of Senator Skogmo,

All rules interfering, were suspended by unanimous
the bill was placed upon its passage at this time.

No. **635, S.,**

Was read a third time, and passed.

By unanimous consent,

Senator Zophy was given leave to introduce a bi

No. **636, S.** By Senator Zophy.

Was read first time, and

Upon motion of Senator Skogmo,

All rules interfering were suspended, by unanim
and the bill was placed upon its passage at this time.

No. **636, S.,**

Was read a third time, and passed.

COMMITTEE REPORT.

The committee on Judiciary report and recomm

No. **438, S.,**

Passage.

E. F. K

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly returns to senate,
as per request,
No. **1160, A.**

ASSEMBLY MESSAGE CONSIDERED.

No. **1160, A.**

Upon motion of Senator Teasdale, and with unanimous consent,

The vote by which the bill was concurred in, was reconsidered.
Senator Teasdale, with unanimous consent, offered amendment
No. 1, S.,

Which amendment was adopted.

The bill was then concurred in.

FOOT OF TODAY'S (Monday's) CALENDAR.

No. **230, A.,**

A bill to amend subsections 1 and 2 of section 2024—6, and to
amend sections 2024—12, 2024—18, 2024—36, and section 2024
—77k of the statutes, relating to incorporation, capital, and powers
of banks.

Senator Teasdale offered amendment No. 1, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 8;
noes, 11; absent or not voting, 13, as follows:

Ayes—Senators Albers, Bosshard, Burke, Hoyt, Husting, Perry,
Richards, and Teasdale—8.

Noes—Senators Glenn, Kellogg, Kileen, Martin H C., Monk,
Scott, Skogmo, Stevens, Tomkins, Weigle, and Zophy—11.

Absent or not voting—Senators Ackley, Bichler, Bishop, Culbertson, Cunningham, Huber, Linley, Martin A. E., Randolph,
Snover, True, Weissleder, and White—13.

And so the amendment was refused adoption.

The president took the chair.

Senator Husting offered amendment No. 2, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 5;
noes, 12; absent or not voting, 15, as follows:

Ayes—Senators Bichler, Burke, Husting, Teasdale, and Zophy—5.

Noes—Senators Bosshard, Glenn, Hoyt, Kellogg, Kileen,

Martin H. C., Perry, Scott, Skogmo, Stevens, Weigle—12.

Absent or not voting—Senators Ackley, A. Culbertson, Cunningham, Huber, Linley, Martin Randolph, Richards, Snover, True, Weissleder, and
And so the amendment was refused adoption.

Senator Husting offered amendment No. 3, S.

The question was, Shall the amendment be adopted?

The ayes and noes were demanded, and the vote
noes, 12; absent or not voting, 11, as follows:

Ayes—Senators Bichler, Burke, Husting, Monrads, Teasdale, Tomkins, and Zophy—9.

Noes—Senators Albers, Bosshard, Glenn, Hoyt, leen, Martin H. C., Scott, Skogmo, Snover, Stevens—12.

Absent or not voting—Senators Ackley, Bishop, Cunningham, Huber, Linley, Martin A. E., R. Weissleder, and White—11.

And so the amendment was refused adoption.

The question then was, Shall the bill be ordered engrossing?

The ayes and noes were demanded, and the vote
noes, 5; absent or not voting, 11, as follows:

Ayes—Senators Bosshard, Burke, Glenn, Hoyt, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Stevens, Tomkins, and Weigle—16.

Noes—Senators Albers, Bichler, Husting, Teasdale—5.

Absent or not voting—Senators Ackley, Bishop, Cunningham, Huber, Linley, Martin A. E., R. Weissleder, and White—11.

And so the bill was ordered to a third reading.

Upon motion of Senator Bosshard,

The bill was laid over until Wednesday, July 23, 1913.

No. 1146, A.

Upon motion of Senator Bosshard,

Was laid over until Wednesday, July 23, 1913.

BILLS INTRODUCED.

By unanimous consent,
Senator Bosshard, for the committee on Corporations,
leave to introduce a bill.

Read first time and referred.

No. 637, S. By Committee on Corporations. T

BILLS FOR REVISION.

Senator Bosshard asked unanimous consent to offer one bill for revision.

Senator Husting objected and the bill was not received.

By unanimous consent,

The clerk was instructed to place all unfinished business on the calendar for Wednesday, July 23, 1913.

ADJOURNMENT.

Upon motion of Senator Tomkins,

The senate adjourned.

76—S. J.

WEDNESDAY, JULY
10:00 O'C

The senate met.

The president in the chair.

Prayer was offered by the Rev. I. F. Roach.

The roll was called and the following senators answered names:

Senators Albers, Bichler, Bishop, Bosshard, Burkham, Glenn, Hoyt, Huber, Husting, Kellogg, Kile A. E., Martin H. C., Monk, Perry, Richards, Scott Snover, Stevens, Teasdale, Tomkins, and Zophy—24.

Absent—Senators Ackley, Linley, Randolph, True,
—5.

Absent with leave—Senators Culbertson, Weissleder,
—3.

The journal of Monday, July 21, 1913, was approved.

MOTIONS.

Upon motion of Senator Scott,

The vote by which No. **633, S.**, was passed, was re-
No. **633, S.**,

A bill to create sections 172—1, 172—2, 172—3, 172—4, 172—5, 172—6, 172—7, 172—8, 172—9, 172—10, 172—11, 172—12, 172—13, 172—14, 172—15, 172—16, 172—17, 172—18, 172—19, 172—20, 172—21, 172—22, 172—23, 172—24, 172—25, 172—26, 172—27, 172—28, 172—29, 172—30, 172—31, 172—32, 172—33, 172—34, subsections 2 and 3 of section 172—37, section 172—38, 172—39, 172—40, 172—41, 172—42, 172—43, 172—44, 172—45, 172—46, 172—47, 172—48, 172—49, 172—50, 172—51, 172—52, 172—53, 172—54, 172—55, 172—56, 172—57, 172—58, 172—59, 172—60, 172—61, 172—62, 172—63, subsection 3 of section 172—64, sections 172—65, 172—66, 172—67, 172—68, 172—69, 172—70, 172—71, 172—72, 172—73, 172—74, 172—75, 172—76, 172—77, 172—78, 172—79, 172—80, 172—81, 172—82, 172—83, 172—84, 172—85, 172—86, 172—87, 172—88, 172—89, 172—90, 172—91, 172—92, 172—93, 172—94, 172—95, 172—96, 172—97, 172—98, 172—99, 172—100, 172—101, 172—102, 172—103, 172—104, 172—105, 172—106, 172—107, 172—108, 172—109, 172—110, 172—111, 172—112, 172—113, 172—114, 172—115, and 172—125 of the statutes, curative of former statutes, and making appropriations for the various sta-

departments, boards, commissions and other bodies therein named.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 23; noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Ilusting, Kellogg, Kileen, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, and Zophy—23.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Linley, Martin A. E., Randolph, True, Weigle, Weissleder, and White—9.

And so the bill was passed.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **634, S.**,

Indefinite postponement.

OTTO BOSSHARD,
Chairman.

Upon motion of Senator Skogmo, and with unanimous consent, No. **634, S.**,

Was considered at this time.

The bill was read a second time, and indefinitely postponed.

Senator Bosshard moved that the vote by which No. **634, S.**, was indefinitely postponed, be reconsidered,

Which motion was lost.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

I return herewith, without approval, bill No. **508, S.**, entitled, "An act to create subsections 5 and 6 of section 1898 of the statutes, relating to casualty insurance companies".

The objection to this bill is that it permits the acceptance of single risks in bank deposit insurance to the full amount of the assets of the insurance company. The language of the bill upon this point is as follows:

"The maximum single risk shall be ten per cent of the actual risk and calculated on that basis it shall not exceed the admitted assets of any such company at the time of writing such policy."

What the phrase "actual risk" means in this connection is not clear; but whatever it may mean it imposes no limitation upon the clause following it which permits a single risk to be assumed

by stock casualty insurance companies equal to their entire assets. There is besides no limit ever on the number of risks of this sort that may be assumed. But should only one such risk be assumed a single loss would wipe out all the assets of such an insurance company. Such a plan of insurance is not sound. It would mislead the public into a false sense of security upon the part of those who place their money under it without affording any real protection. The assets of banks insured or their depositors should a single loss occur be wiped out.

Respectfully submitted,

FRANCIS E. MCGOWAN

July 23, 1913.

MESSAGE FROM THE ASSEMBLY

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted substitute amendment No. 1, S., to

No. **429, A.**

Has concurred in amendment No. 1, S., to
No. **478, A.**

Has concurred in substitute amendment No. 1, S., to
No. **522, A.**

Has concurred in amendment No. 1, S., to
No. **803, A.**

Has concurred in amendment No. 1, S., to
No. **1176, A.**

Has ordered returned to senate for roll-call
No. **489, A.**

Returns, as per request
No. **839, A.**

ASSEMBLY MESSAGE CONSIDERED

Upon motion of Senator Kileen, and with unanimous vote by which No. **839, A.**, was non-concurred in.
considered.

Upon motion of Senator H. C. Martin,
The bill was placed at the foot of the calendar.

MOTIONS CONSIDERED.

No. **1196, A.**

Upon motion of Senator Tomkins,
Placed at the foot of the calendar.

BILLS AND RESOLUTIONS READY FOR ENGROSS-
MENT.

Read second time.

No. **438, S.**, and

No. **637, S.**,

Were severally ordered engrossed and read a third time and
were severally read a third time and passed.

No. **571, S.**, and

No. **572, S.**,

Were re-referred to the committee on Finance, under the rules.

No. **588, S.**

Senator Richards moved that the bill be indefinitely postponed.

The ayes and noes were demanded, and the vote was: Ayes, 15:
noes, 6; absent or not voting, 11, as follows:

Ayes—Senators Bishop, Cunningham, Glenn, Hoyt, Huber,
Husting, Kileen, Martin A. E., Monk, Richards, Scott, Stevens,
Teasdale, Tomkins, and Zophy—15.

Noes—Senators Albers, Bosshard, Burke, Kellogg, Perry,
and Snover—6.

Absent or not voting—Senators Ackley, Bichler, Culbertson,
Linley, Martin H. C., Randolph, Skogmo, True, Weigle,
Weissleder, and White—11.

And so the bill was indefinitely postponed.

Senator Zophy moved that the vote by which No. **588, S.**,
was indefinitely postponed, be reconsidered,

Which motion was lost.

No. **611, S.**

Upon motion of Senator Richards,
Placed at the foot of the calendar.

No. **625, S.**

Senator Kileen offered amendment No. 1, S.,

Which amendment was adopted.

Upon motion of Senator Bishop,
Placed at the foot of the calendar.

No. **215 S.**

Senator Husting offered substitute amendment No. 1, S.

Upon motion of Senator Husting, and with unanimous consent,
Laid over until this evening.

BILLS AND RESOLUTIONS READY FOR READING.

No. 202, S.

Upon motion of Senator Zophy,
Placed at the foot of the calendar.

No. 618, S.,

A bill to revise chapter 51 of the statutes, relating to the regulation of certain public utilities and insurance companies, to transfer sections 1037a to 1037j, both inclusive, relating to the taxation of certain other public utilities from chapter 51 to chapter 51, and to revise and amend said statutes to said chapter 51, and to revise and amend said

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was:
noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Cunningham, Glenn, Hoyt, Huber, Husting, Kello, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Stevens, Teasdale, Tomkins, and Zophy—23.

Noes—None.

Absent or not voting—Senator Ackley, Culbertson, Martin A. E., Randolph, True, Weigle, Weissleder—9.

And so the bill was passed.

No. 622, S.,

A bill to amend subsection 1 of section 2016 of the statutes relating to commissioner of banking, term, deputy, qualifications.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was:
noes, 1; absent or not voting, 9, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Burke, C., Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Ma, Monk, Perry, Richards, Scott, Skogmo, Snover, Steven, Tomkins, and Zophy—22.

Noes—Senator Albers—1.

Absent or not voting—Senators Ackley, Culbertson, Martin A. E., Randolph, True, Weigle, Weissleder, —9.

And so the bill was passed.

No. 230, A.

Upon motion of Senator Bosshard, and with unanimous consent,
The vote by which amendment No. 2, S., was refused was reconsidered.

Amendment No. 2, S., was adopted.

Upon motion of Senator Bosshard, and with unanimous consent,

The vote by which amendment No. 3, S., was refused adoption, was reconsidered.

Amendment No. 3, S., was adopted.

No. **230, A.**,

A bill to amend subsections 1 and 2 of section 2024—6, and to amend sections 2024—12, 2024—18, 2024—36, and section 2024—77k of the statutes relating to incorporation, capital and powers of banks,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 23; noes, 1; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, and Zophy—23.

Noes—Senator Teasdale—1.

Absent or not voting—Senators Ackley, Culbertson, Linley, Randolph, True, Weigle, Weissleder, and White—8.

And so the bill was concurred in.

MOTIONS.

Senator Bichler moved that all leaves of absence be revoked,
Which motion prevailed.

RECESS.

Upon motion of Senator Snover,
The senate took a recess until 3:00 o'clock p. m.

AFTERNOON SESSION.

3:00 O

The senate was called to order by the president.

COMMITTEE REPORTS.

The joint committee on Finance report and recd
 No. **558, S.**,
 Indefinite postponement, Senator Scott dissenting
 No. **599, S.**, and
 No. **616, S.**,
 Passage.
 No. **564, S.**,
 Indefinite postponement, Senator Scott dissenting
 No. **585, S.**,
 Substitute amendment No. 1, S., and passage,
 and Messrs. Potts, Roethe, Smith and Spoor dissenting
 No. **387, S.**,
 Indefinite postponement.
 No. **568, S.**,
 Amendment No. 1, S., and passage.
 No. **571, S.**, and
 No. **572, S.**,
 Without recommendation.
 No. **615, S.**,
 Amendment No. 1, S., and passage.

G. E.

The committee of conference on bill No. **131**,
 recommend:

That the assembly recede from its position and con-
 sider amendment No. 1, S., to bill No. **131, A.**

HOWARD
 R. W. MONROE
 H. A. HUBBARD
 DON C. HARRIS
 DAVID V. JONES
 E. H. ZINN

The committee of conference on bill No. **52**,
 recommend as follows:

1. That the senate recede from its position in
 in amendment No. 1, A., to bill No. **52, S.**
2. That both the senate and assembly adopt
 amendment to amendment No. 1, A., to bill No. **52, S.**

Strike out the word "five" where it occurs in line 5 of the printed amendment No. 1, A., and insert in lieu thereof the word "ten."

3. That upon the adoption of the amendment to amendment No. 1, A., as provided for in paragraph No. 2, hereof, by both the senate and the assembly, that the senate concur in amendment No. 1, A., as amended.

TIMOTHY BURKE,
A. PEARCE TOMKINS.
OTTO BOSSHARD,
E. L. URQUHART,
AUGUST DORN,
MARTIN GORECKI.

The report of the committee of conference on No. **52, S.**, . was adopted.

Upon motion of Senator Burke, and with unanimous consent, The vote by which amendment No. 1, A., was non-concurred in was reconsidered.

Amendment No. 1, S., to amendment No. 1, A., by the committee of conference, adopted.

Amendment No. 1, A., as amended, was concurred in.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly requests a committee of conference, and has appointed as conferees, Messrs. Don C. Hall, Hansen, and Zinn, on No. **372, A.**

Ordered returned to the senate
No. **274, S.**

Concurred in
Jt. Res. No. 60, S.,
Jt. Res. No. 65, S.,
Jt. Res. No. 66, S., and
No. **579, S.**

Non-concurred in
No. **503, S.**

ASSEMBLY MESSAGE CONSIDERED.

No. **372, A.**

Senator Teasdale moved that the bill be returned to the assembly.

Which motion prevailed.

BILLS AND RESOLUTIONS READY FOR READING.

No. 385, A.

Upon motion of Senator Zophy,
Laid over until this evening's session.

No. 1146, A.,

A bill to create section 1786e—20 of the statutes
operative credit associations, providing for their
and prescribing regulations,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was
noes, 2; absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Bosshard, B
ham, Hoyt, Huber, Husting, Kellogg, Kileen,
Martin H. C., Monk, Richards, Scott, Skogmo, S
Teasdale, Tomkins, and Zophy—21.

Noes—Senators Bishop and Perry—2.

Absent or not voting—Senators Ackley, Culb
linley, Randolph, True, Weigle, Weissleder, and
And so the bill was concurred in.

FOOT OF CALENDAR.

No. 611, S.,

Was read a second time.

Senator Richards offered amendment No. 1, S.

Senator Skogmo offered amendment No. 2, S.

Senator Zophy offered amendment No. 3, S.

Senator Teasdale offered amendment No. 4, S.

Amendment No. 1, S., was adopted.

By unanimous consent, amendment No. 3, S.,
at this time.

Amendment No. 3, S., was adopted.

The president called the president pro tempore

Upon motion of Senator Skogmo,

No. 611, S., and pending amendments,
Was laid over until this evening's session.

No. 625, S.

Amendment No. 1, S., adopted.

Upon motion of Senator Bishop,

Laid over until Thursday, July 24, 1913.

MOTIONS FOR CONSIDERATION.

No. **1196, A.**

The vote by which the bill was concurred in, was reconsidered. Senator Scott, for the committee on Finance, and with unanimous consent, offered amendment No. 2, S., Which amendment was adopted.

The president resumed the chair.

Upon motion of Senator Teasdale, No. **1196, A.**, was laid over until this evening.

MOTIONS.

Senator Scott moved that a committee of conference be requested on the subject matter of Nos. **715, A.** and **503, S.**, Which motion prevailed.

The president appointed as conferees on the subject matter of Nos. **715, A.**, and **503, S.**, on the part of the senate, Senators Lophy, Huber, and Bichler.

RECESS.

Upon motion of Senator Teasdale, The senate took a recess until 7:30 o'clock p. m.

EVENING SESSION.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

No. **1196, A.**,

A bill to create subsections 4 to 36, inclusive, of section 172—54, subsections 1 to 19, inclusive, and 27 to 36, inclusive, of section 172—53, and section 172—64; and to repeal section 398, subsection 4 of section 401m, sections 406 and 408, subsection 4 of section 383m, sections 391, 392, 392em, 392em—1 to 392em—7, inclusive, 392em—9, 392f, 392g, 392h, 392i, 392j, 1479b, 1479c, 1479d, 1479e, subsection 2 of section 1494j and subsection 2 of section

1494—12m, and sections 392u and 392z; and to a 9 of section 170, sections 394, 396, subsection 1 of subdivisions (2) and (4) of section 404, subsection 406a, section 409, subsections 8 and 34 of section 249, 381, 382, 383, subsection 3 of section 383m, section 1 of section 390, subdivision (2) of section 1494b, 1494d, 1494x—10, 1494x—12, 1494x—1 of section 1494—1, sections 1494—10, 1494—14, 1494—10w, 1494—37, 392t and 392y of the making appropriations therein named for the normal university and mining trade school and altering the normal funds of the normal schools and university.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was—Ayes, none; absent or not voting, 12, as follows:

Ayes—Senator Albers, Bosshard, Burke, Glenn, Kellogg, Kileen, Martin A. E., Martin H. C., Richards, Scott, Skogmo, Snover, Stevens, Teasdale and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bichler, Bertson, Cunningham, Huber, Linley, Randolph, Weissleder, and White—12.

And so the bill was concurred in.

No. 839, A.,

A bill to amend subdivision (d) of subsection 5 of the statutes, relating to party tickets at primary elections.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was—Ayes, none; noes, 20; absent or not voting, 12, as follows:

Ayes—None.

Noes—Senators Albers, Bosshard, Burke, Glenn, Kellogg, Kileen, Martin A. E., Martin H. C., Richards, Scott, Skogmo, Snover, Stevens, Teasdale and Zophy—20.

Absent or not voting—Senator Ackley, Bichler, Bertson, Cunningham, Huber, Linley, Randolph, Weissleder, and White—12.

And so the senate refused to non-concur in the bill, and ordered it to a third reading.

The bill was then read a third time, and concurred in.

RECESS.

At 8:05 o'clock p. m., Senator H. C. Martin moved that the senate take a recess for fifteen minutes, and that the yeas and nays be instructed to lock the doors and bring in the members.

Which motion prevailed.

8:20 O'CLOCK P. M.

The senate was called to order by the president.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted, and asks concurrence in,

Jt. Res. No. 98, A.

And has amended, and concurred in, as amended,

No. **454, S.**

ASSEMBLY MESSAGE CONSIDERED.

Upon motion of Senator Husting,

All rules interfering were suspended by unanimous consent, and

No. **454, S.,**

Was considered at this time.

No. **454, S.,**

A bill to repeal section 1596a and sections 1596—1 to 1596—76, inclusive, of the statutes, being part of chapter 652, laws of 1911, and to create sections 1596—50 to 1596—85, inclusive, of the statutes, relating to the construction and maintenance of dams in or across navigable waters for the improvement of navigation and other purposes, and making an appropriation.

Amendment No. 3, A.

Senator Husting offered amendment No. 1, S., to amendment No. 3, A.,

Which amendment was adopted.

The question then was, Shall amendment No. 3, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tompkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop Culbertson, Cunningham, Huber, Linley, Randolph, True, Weigle, Weisseder, and White—11.

And so the amendment was concurred in.

CHIEF CLERK'S CORRECTION.

The chief clerk, under rule 32, made the following corrections to bill No. **454, S.:**

Correct the title of the engrossed bill by striking "1596—78" in line 3, and inserting in lieu thereof "1596—79."

Correct section 2 of the engrossed bill by striking word "twenty-nine" in line 1, and inserting in lieu thereof word "thirty." Also by striking out the figures "1596—78" in line 4, and inserting in lieu thereof the figures "1596—79."

Renumber section 1596—77 to be section 1596—78, and section 1596—78 to be section 1596—79.

Jt. Res. No. 98, A.,
Was concurred in.

No. 385, A.,

A bill to create sections 1729s—1 to 1729s—12, statutes, relating to the establishment of a living will for adults and minors and making an appropriation, and providing for the same.
Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was—Ayes, 10; noes, 8; paired, 2; absent or not voting, 10, as follows:

Ayes—Senators Bosshard, Burke, Glenn, Kileen, Monk, Richards, Scott, Skogmo, Stevens, Tomkins—12.

Noes—Senators Albers, Bichler, Hoyt, Husting, Perry, Snover, and Teasdale—8.

Paired—Senator True for the bill, Senator Kellogg—2.

Absent or not voting—Senators Ackley, Bishop, Cunningham, Huber, Linley, Randolph, Weigle, White—10.

And so the bill was concurred in.

No. 202, S.

Substitute amendment No. 1, S., adopted.

Upon motion of Senator Husting,

Laid over until Thursday, July 24, 1913.

No. 611, S.

Upon motion of Senator Skogmo,

Amendment No. 2, S., was rejected.

Amendment No. 4, S., adopted.

Senator Teasdale offered amendment No. 5, S.,

Which amendment was adopted.

Senator Skogmo offered amendment No. 6, S.,

Which amendment was adopted.

The bill was ordered engrossed and read a third time.

The bill was then read a third time, and passed.

No. 215, S.,

A bill to repeal chapter 94 of the statutes, and to create sections 2015 to 2023, and section 2023—1, to 2023—95, inclusive, of the statutes, to constitute a new chapter 94, providing for the creation of banks and for the regulation and supervision of the banking business, the liquidation of insolvent banks and the protection of deposits therein and providing for state guaranty bank deposits.

Substitute amendment No. 1, S.

The question was, Shall the substitute amendment be adopted?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 7; absent or not voting, 15, as follows:

Ayes—Senators Burke, Husting, Monk, Perry, Richards, Skogmo, Stevens, Teasdale, Tomkins, and Zophy—10.

Noes—Senators Bosshard, Glenn, Hoyt, Kellogg, Martin A. E., Scott, and Snover—7.

Absent or not voting—Senators Ackley, Albers, Biehler, Bishop, Culbertson, Cunningham, Huber, Kileen, Linley, Martin H. C., Randolph, True, Weigle, Weissleder, and White—15.

And so the substitute amendment was adopted.

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 8; absent or not voting, 15, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Kellogg, Martin A. E., Scott, Skogmo, Snover, and Tomkins—9.

Noes—Senators Burke, Husting, Monk, Perry, Richards, Stevens, Teasdale, and Zophy—8.

Absent or not voting—Senators Ackley, Albers, Biehler, Bishop, Culbertson, Cunningham, Huber, Kileen, Linley, Martin H. C., Randolph, True, Weigle, Weissleder, and White—15.

And so the bill was indefinitely postponed.

MOTIONS.

Senator Bosshard moved that the vote by which No. 226, S., was passed, be reconsidered,

Which motion prevailed.

With unanimous consent, Senator Bosshard offered amendment No. 2, S.,

Which amendment was adopted.

Upon motion of Senator Bosshard,

The bill was laid over until Thursday, July 24, 1913.

Senator A. E. Martin moved that all rules interfering be suspended, and that he be given permission to move that the vote by which No. 634, S., was indefinitely postponed, be reconsidered.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 13; noes, 7; absent or not voting 12, as follows:

Ayes—Senators Albers, Bichler, Burke, Glenn, Hogg, Kileen, Martin A. E., Perry, Scott, Snover. Steasdale—13.

Noes—Senators Bosshard, Husting, Martin H. C. Skogmo, Tomkins, and Zophy—7.

Absent or not voting—Senators Ackley, Bishop, Cunningham, Huber, Linley, Randolph, Richards, True, Weissleder, and White—12.

And so the senate refused to suspend the rules.

RESOLUTION INTRODUCED.

Res. No. 32, S.,

Appropriating from the contingent fund an amount sufficient to cover expenses of the senate incurred up to the close of the session.

Resolved by the senate, That the secretary of state be authorized to audit, and the state treasurer to pay, out of the contingent fund, upon certification of the chief clerk, such amounts as may be due for telephone and telegraph service and incidental expenses of the senate up to the close of this session. Certificate of the chief clerk to be accompanied by an itemized statement by the parties to whom such amounts are to be paid.

By Senate Committee on Contingent Expenditures.

The question was, Shall the resolution be adopted?

The ayes and noes were required, and the vote was: Ayes, none; absent or not voting, 15, as follows:

Ayes—Senators Bosshard, Burke, Glenn, Husting, Kileen, Martin A. E., Martin H. C., Monk, Perry, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, and Zophy—13.

Noes—None.

Absent or not voting—Senators Ackley, Albers, Bichler, Culbertson, Cunningham, Hoyt, Huber, Kileen, Linley, True, Weigle, Weissleder, and White—15.

And so the resolution was adopted?

BILLS INTRODUCED.

By unanimous consent,

Senator Kileen was given leave to introduce a bill.

No. **638, S.** By Senator Kileen.

Was read first time, and

Upon motion of Senator Teasdale,

All rules interfering were suspended by unanimous consent, and the bill was placed upon its final passage at this time.

No. **638, S.,**

A bill to re-enact section 747a of the statutes and chapters of the laws of 1913,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Linley, Perry, Randolph, True, Weigle, Weissleder, and White—12.

And so the bill was passed.

By unanimous consent,

Senator Bosshard, for the committee on Corporations, was given leave to introduce a bill.

Read first time and referred.

No. **639, S.** By Committee on Corporations. To calendar.

COMMITTEE REPORT.

The committee on Corporations report and recommend:

No. **99, S.**, and

No. **104, S.**,

Indefinite postponement.

No. **560, S.**,

Substitute amendment No. 1, S., and passage.

No. **291, A.**,

Non-concurrence, Senator Bosshard dissenting.

OTTO BOSSHARD,
Chairman.

The committee on Judiciary report and recommend:

No. **515, S.**,

Reference to calendar.

E. F. KILEEN,
Chairman.

No. **515, S.**,

Was referred to the calendar.

The committee of conference on No. **449¹ A.**, report and recommend:

1st. That the senate recede from its position on amendment No. 1, S.

2nd. That the assembly recede from its position on amendment No. 2, S.

3rd. That amendment No. 3, S., be adopted.

OTTO BOS

ROBT. GL

L. G. KEL

E. NORDM

DOUGLAS

The report of the committee of conference was

The senate receded from its position on amend

The vote by which No. **449, A.**, was concurr
sidered.

Amendment No. 3, S., was adopted.

No. **449, A.**,

Was concurred in.

ADJOURNMENT.

Upon motion of Senator Monk,

The senate adjourned until 9:00 o'clock a. m.,

CHIEF CLERK'S REPORT

The chief clerk records:

Jt. Res. No. 60, S., and

Jt. Res. No. 65, S.

Correctly enrolled at 8:30 o'clock p. m.

THURSDAY, JULY 24, 1913.

9:00 O'CLOCK A. M.

The senate met.

The president in the chair.

The roll was called and the following senators answered to their names:

Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—25.

Absent—Senators Ackley, Culbertson, Cunningham, Randolph, Weigle, Weissleder, and White—7.

The journal of yesterday was approved.

RESOLUTIONS INTRODUCED.

Jt. Res. No. 67, S.,

Providing for an investigation by a committee to be appointed under the provisions of bill No. **487, A.**, to investigate the question of the collection of taxes and expenditures of same in the towns and governmental divisions of the same within the proposed state forest reserve.

Resolved by the senate, the assembly concurring, That the committee hereafter to be appointed under the provisions of bill No. **487, A.**, shall carefully investigate and report the amount of taxes collected by each county and organized town partly or wholly within the boundaries of the proposed forest reserve and the purposes for which such moneys have been expended, in order that the committee may recommend what proportion of such taxes should be paid by the state upon the forest reserve lands; said committee shall also investigate what proportion of the tax of each town is levied upon each whole or fractional township in such towns and also what proportion of the expenditures are made in each such whole or fractional township; such investigation to cover the past ten years.

By Senator Stevens. Adopted.

BILL INTRODUCED.

By unanimous consent,
 Senator Skogmo was given leave to introduce
 No. **640, S.** By Senator Skogmo.
 Was read first time, and
 Upon motion of Senator Tomkins,
 All rules interfering, were suspended by unanimity.
 The bill was placed upon its passage at this time.
 No. **640, S.**,
 Was read a third time, and passed.

COMMUNICATION TO THE SENATE.

CHIEF CLERK, *Senate*,
 Madison, Wis.

Dear Sir:—I am transmitting herewith a list of
 as legislative counsel or agents since last report
 with provision of Joint Resolution No. 5, S.

Very truly yours,

J. S. [unclear]

Sec.

*Name, Residence and Occupation of Counsel,
 Address of Employer and Subject of Legislation.*

J. C. Gilbertson, Eau Claire, Wis., Atty., representing
 Pepa Valley Elec. Lt. & Power Co., Eau Claire, Wis.,
 powers.

C. W. Gilman, Mondovi, Wis., Atty., representing
 Aurandt, Mondovi, Wis., upon No. **496, A.**

Geo. B. Luhman, Atty., 625 Caswell Blk., Milwaukee, Wis.,
 representing Gridley Dairy Co., Milwaukee, Wis., upon
A.

E. P. Nemers, Atty., 414 Germania Bldg., Milwaukee, Wis.,
 representing Estate of Teofil Szukalski & Thomas Szukalski,
 kee, upon Roadways and sewers.

John LeFeber, 2600 Grand Ave., Milwaukee, Wis.,
 ley Dairy Co., Milwaukee, upon No. **1090, A.**

D. W. Larkin, Sturgeon Bay, representing State
 riculture, upon Appropriation for State Fair.

W. G. Watkins, 21 Mack Blk., Milwaukee, Wis.,
 self upon No. **1176, A.**

EXECUTIVE COMMUNICATIONS COM.

No. **508, S.**

Upon motion of Senator Husting,
 Laid over until this evening.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., and concurred in, as amended, No. **561, S.**

Has passed, and asks concurrence in, No. **39, A.**

Has concurred in
Jt. Res. No. 56, S.,
No. **308, S.,**
No. **394, S.,** and
No. **460, S.**

Has amended, and concurred in, as amended, No. **426, S.**

Has non-concurred in
No. **292, S.,** and
No. **553, S.**

Has amended, and refused concurrence in, as amended, amendment No. 1, S., to No. **617, A.**

Has non-concurred in amendment No. 1, S., to No. **1191, A.**

Has agreed to a committee of conference on the subject matter of bills Nos. **503, S.,** and **715, A.,** and has appointed as conferees on the part of the assembly, Messrs. L. L. Johnson, Hood and Winkley.

Has concurred in amendment No. 1, S., to amendment No. 3, A., to No. **454, S.**

ASSEMBLY MESSAGES CONSIDERED.

Read first time and referred.

No. **39, A.** To calendar.

No. **489, A.**

Upon motion of Senator Teasdale, and with unanimous consent, The vote by which the bill was concurred in, was reconsidered.

No. **489, A.,**

A bill to repeal section 1978d, and to amend section 1978f—5 and renumber said section to be section 1978d, and to amend section 1978e, relating to the insurance of the buildings and property of county and school districts in the state insurance fund.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote
noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Bur
Kellogg, Kileen, Linley, Martin A. E., Martin
Scott, Skogmo, Snover, Teasdale, Tomkins, True

Noes—Senator Perry—1.

Absent or not voting—Senators Ackley, Bis
Cunningham, Huber, Husting, Randolph, Ri
Weigle, Weissleder, and White—12.

And so the bill was concurred in.

BILLS AND RESOLUTIONS READY FOR MENT.

Read second time.

No. **515, S.**,

No. **625, S.**, and

No. **639, S.**

Were severally ordered engrossed and read a
were severally read a third time, and passed.

No. **560, S.**

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

No. **568, S.**

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. **568, S.**,

A bill to appropriate a sum of money in paymen
fees in proceedings, relating to the attempted rem
missioner of insurance,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote
noes, 5; absent or not voting, 10, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Gl
ber, Husting, Kileen, Martin H. C., Monk, Perry
Stevens, Teasdale, True, and Zophy—17.

Noes—Senators Albers, Burke, Kellogg, Mart
Snover—5.

Absent or not voting—Senators Ackley, Culbe
ham, Linley, Randolph, Richards, Tomkins, Wei
and White—10.

And so the bill was passed.

No. **571, S.**

Upon motion of Senator Bosshard,

Laid on the table.

No. 572, S.

Substitute amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. 572, S.,

A bill to repeal sections 1947e and 1947f, and to create sections 1947e, 1947em, 1947f, 1947fm and 1947fn, of the statutes, relating to monopolies, trusts and other restraints of trade, prescribing the duties of the attorney-general, providing penalties and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 16; noes, 6; absent or not voting, 10, as follows:

Ayes—Senators Bishop, Bosshard, Glenn, Hoyt, Kileen, Linley, Martin A. E., Martin H. C., Monk, Scott, Skogmo, Stevens, Teasdale, Tomkins, True, and Zophy—16.

Noes—Senators Albers, Bichler, Husting, Kellogg, Perry, and Snover—6.

Absent or not voting—Senators Ackley, Burke, Culbertson, Cunningham, Huber, Randolph, Richards, Weigle, Weissleder, and White—10.

And so the bill was passed.

No. 585, S.

Substitute amendment No. 1, S., adopted.

Upon motion of Senator Scott,

Laid over until Friday, July 25, 1913.

No. 599, S.,

Ordered engrossed and read a third time.

No. 599, S.,

A bill to refund to J. J. Blaine, J. E. McConnell and C. A. Ingram their expenses as members of the legislative committee created by chapter 145 of the laws of 1911, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 24; noes, none; absent or not voting, 8, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—24.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Randolph, Weigle, Weissleder, and White—8.

And so the bill was passed.

No. 615, S.

Amendment No. 1, S., adopted.

Ordered engrossed and read a third time.

No. 615, S.,

A bill appropriating a sum of money therein
ating and preventing injury to agricultural cro
grub and grasshopper pests,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vo
22; noes, none; absent or not voting, 10, as follo

Ayes—Senators Albers, Biehler, Bishop, L
Hoyt, Huber, Husting, Kellogg, Kileen, Linl
Monk, Perry, Richards, Scott, Skogmo, Snover
kins, True and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, B
Cunningham, Martin H. C., Randolph, Steven
leder, and White—10.

And so the bill was passed.

No. 616 S.

Ordered engrossed and read a third time.

No. 616, S.,

A bill to appropriate out of the state treasur
and to George McDermott, or their assigns, re
sums of money,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vo
noes, none; absent or not voting, 9, as follows:

Ayes—Senators Albers, Biehler, Bishop, L
Glenn, Hoyt, Huber, Kellogg, Kileen, Linley
Martin H. C., Monk, Perry, Richards, Scott,
Teasdale, Tomkins, True, and Zophy—23.

Noes—None.

Absent or not voting—Senators Ackley, Cul
ham, Husting, Randolph, Stevens, Weigle,
White—9.

And so the bill was passed.

No. 99, S.,**No. 104, S.,****No. 387, S., and****No. 558, S.,**

Were severally indefinitely postponed,

No. 564, S.,

A bill to provide for an investigation of the su
codes and city planning by a joint committee o
assembly, and making an appropriation.

The question was, Shall the bill be indefinitely

The ayes and noes were demanded, and the vo
noes, 14, absent or not voting, 9, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Huber, Kellogg, Linley, Martin A. E., and Perry—9.

Noes—Senators Bosshard, Glenn, Hoyt, Husting, Kileen, Martin H. C., Monk, Richards, Scott, Skogmo, Stevens, Tomkins, True, and Zophy—14.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Randolph, Snover, Teasdale, Weigle, Weissleder, and White—9.

And so the senate refused to indefinitely postpone the bill, thereby ordering it engrossed and read a third time.

The bill was read a third time.

The question then was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 13; noes, 12; absent or not voting, 8, as follows:

Ayes—Senators Bosshard, Hoyt, Huber, Husting, Martin H. C., Monk, Richards, Scott, Skogmo, Tomkins, True, Zophy, and Mr. President—13.

Noes—Senators Albers, Bichler, Bishop, Burke, Glenn, Kellogg, Kileen, Linley, Martin A. E., Perry, Snover, and Stevens—12.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Randolph, Teasdale, Weigle, Weissleder, and White—8.

And so the bill was passed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **291, A.**,

A bill to create section 1769-1 of the statutes, relating to liability of stockholders in corporations owning, operating or maintaining dams.

The question was, Shall the bill be non-concurred in?

By unanimous consent,

Senator Skogmo was excused from voting.

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 5; absent or not voting, 14, as follows:

Ayes—Senators Albers, Bichler, Burke, Glenn, Hoyt, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Perry, Scott, and Snover—13.

Noes—Senators Bosshard, Monk, Teasdale, True, and Zophy—5.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Huber, Husting, Randolph, Richards, Skogmo, Stevens, Tomkins, Weigle, Weissleder, and White—14.

And so the bill was non-concurred in.

COMMITTEE REPORT.

The special committee on Insurance report and recommend:

No. **267, S.**,

No. **319, S.**, and

No. **320, S.**,

Indefinite postponement.

No. **321, S.**,

Passage.

G. E. SCOTT,

Chairman.

Upon motion of Senator Bosshard,

All rules interfering, were suspended by unanimous consent, and the report of the special committee on Insurance was acted upon at this time.

No. **267, S.**,

No. **319, S.**, and

No. **320, S.**,

Were severally indefinitely postponed.

No. **321, S.**,

Was ordered engrossed and read a third time, and was read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **165, A.**,

No. **666, A.**,

No. **707, A.**, and

No. **1121, A.**

Has concurred in

No. **84, S.**, and

Jt. Res. No. 55, S.

Has amended, and concurred in, as amended,

No. **440, S.**, and

No. **452, S.**

Has non-concurred in

No. **555, S.**,

No. **556, S.**,

No. **557, S.**,

No. **565, S.**, and

No. **589, S.**

ASSEMBLY MESSAGE CONSIDERED

Read first time and referred.

No. **165, A.** To calendar.

No. **666, A.** To calendar.

No. **707, A.** To calendar.

No. **1121, A.** To calendar.

 RECESS.

Upon motion of Senator Bosshard,
The senate took a recess until 2:30 o'clock p. m.

 AFTERNOON SESSION.

2:30 O'Clock

The senate was called to order by the president.

By unanimous consent,
All business on the clerk's desk was taken up at this

 EXECUTIVE COMMUNICATION CONSIDERED

No. **508, S.,**

A bill to create subsections 5 and 6 of section 1898
utes, relating to casualty insurance companies.

The question was, Shall the bill pass notwithstanding
jections of the governor?

The ayes and noes were required, and the vote
none; noes, 17; absent or not voting, 15, as follows:

Ayes—None.

Noes—Senators Albers, Bosshard, Burke, Glenn,
ing, Kellogg, Linley, Martin H. C., Monk, Perry, Se-
Snover, Stevens, Tomkins, and True—17.

Absent or not voting—Senators Ackley, Bichler, I-
bertson, Cunningham, Huber, Kileen, Martin A. E.
Richards, Teasdale, Weigle, Weissleder, White, and

And so the senate refused to pass the bill over the
veto.

ASSEMBLY MESSAGES CONSIDERED.

No. 426, S.,

A bill to repeal section 3 of chapter 583, laws of 1911, and to amend sections 1, 2 and 4 to 23, inclusive, of chapter 583, laws of 1911, making the same sections 990—40 to 990—61, inclusive, of the statutes, all relating to the state board of public affairs, and making an appropriation.

The question was, Shall amendment No. 1, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Monk, Perry, Scott, Snover, Stevens, Tomkins, True and Zophy—19.

Noes—Senator Martin H. C.—1.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E., Randolph, Richards, Skogmo, Teasdale, Weigle, Weissleder, and White—12.

And so the amendment was concurred in.

No. 440, S.,

A bill to amend sections 2020 and 2024—58 of the statutes, relating to the commissioner of banking and mutual savings banks.

The question was, Shall amendment No. 1, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E., Randolph, Richards, Weigle, Weissleder, and White—10.

And so the amendment was concurred in.

No. 617, A.

Senator Bosshard moved that the senate insist on its position on amendment No. 1, S., and request a committee of conference,

Which motion prevailed.

The president appointed as conferees, on part of senate, Senators Stevens, Zophy and Bosshard.

No. 1191, A.

Senator Bosshard moved that the senate insist upon its position on amendment No. 1, S., and request a committee of conference,

Which motion prevailed.

The president appointed as conferees, on part of the senate, Senators Scott, H. C. Martin and Bichler.

BILLS AND RESOLUTIONS READY FOR MENT.

Read second time.

No. **585, S.**,

Was ordered engrossed and read a third time.

No. **585, S.**,

A bill to create subsections 3 to 6 inclusive of section 5531 of the statutes, relating to taxation upon the transfers of bonds, mortgages or other securities of domestic or foreign corporations owning property or doing business in this state,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was taken, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Hustung, Kellogg, Kileen, Linley, Martin H. C., Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Cunningham, Huber, Martin A. E., Randolph, Richards, Weissleder, and White—11.

And so the bill was passed.

BILLS AND RESOLUTIONS TO BE ORDERED THIRD READING.

Read second time.

No. **39, A.**

Upon motion of Senator Bosshard,
Non-concurred in.

No. **165, A.**,

Was ordered to a third reading.

No. **165, A.**,

A bill to create section 5531--2 of the statutes, relating to state aid, to country agricultural schools, and making appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was taken, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Tomkins, and Zophy--21.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E., Randolph, Richards, True, Weigle, Weissleder, and White—11.

And so the bill was concurred in.

No. **666, A.**,

Was ordered to a third reading.

No. **666, A.**,

A bill to create section 4918m of the statutes, relating to the employment of prisoners in the penal and reformatory institutions of the state, and providing a penalty, and making an appropriation,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 21; noes, 1; absent or not voting, 10, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—21.

Noes—Senator Albers—1.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E. Randolph, Richards, Weigle, Weissleder, and White—10.

And so the bill was concurred in.

No. **707, A.**,

Was ordered to a third reading.

No. **707, A.**,

A bill to create section 4937m of the statutes, relating to the experimental use of state convicts in road construction, and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E., Randolph, Richards, Weigle, Weissleder, and White—10.

And so the bill was concurred in.

No. **1121, A.**,

Was ordered to a third reading.

No. **1121, A.**,

A bill to amend sections 2009 to 2014—26, inclusive, of the statutes, relating to building and loan associations,

Was read a third time.

The question was, Shall the bill be concurred

The ayes and noes were required, and the votes, noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Bosshard, B. Huber, Husting, Kellogg, Kileen, Linley, Mar. Perry, Scott, Skogmo, Snover, Stevens, T. True, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, B. Cunningham, Martin A. E., Randolph, Richard. leder, and White—10.

And so the bill was concurred in.

Senator Bosshard addressed the senate as

Mr. President: I desire for a few moments of personal privilege, for I presume that the day me comes under that order. Mr. President, who has now served one term and at least one half of this body have participated in two or more legislatures. During all this time our transactions have been conducted and disposed of under the direction of him who presides over us now.

I need not say, Mr. President, and fellow senators, the time that we have all been members there on every occasion when it has not been a source of pleasure to all of us to be ruled and guided by the wisdom and sound judgment of our friend the president.

I presume, fellow senators, that this perhaps the last days when the privilege will be ours to participate in the session of this legislature, presided over by our Lieutenant Governor.

It is therefore with a feeling of sacred duty that in these days when we are about to part, some of us perhaps will not serve again in this body, the opportunity is at hand to evidence the deep respect of this body to its president. And may I not say that two years hence will see him, who presided here, presiding no longer over this membership but as president that greatest and most dignified legislative body the Senate of the United States. (Applause.)

And so at this time, fellow senators, it becomes my duty to present on behalf of every senator here, to our president a slight token of the high regard, friendship and respect of every member of this body, democrat, socialist, and republican, toward him who has served us so well. And may I say, fellow senators, with its cluster of diamonds, is emblematic in respect of the high character of him to whom it is presented.

We are about to present you, as I say, Mr. President, with a beautiful diamond cluster pin, centered with a more beautiful and lustrous pearl coming, I presume, as it does from the bed of the Mississippi river, that mighty stream that bounds this state upon the west and upon whose shores you have lived and grown to manhood. This token, elaborate and beautiful as it is, is none too elaborate or too beautiful by way of appropriately expressing the deep feeling and sentiment of those who are here. And knowing that in all the days of the future it will be worn by you and that on every morning of your life you will attach this adornment, and that your last labor at the close of the day will be its removal from your garments, it will serve at all times as the first reminder in the morning and the last at night of the days when, as a member of this senate, and as well as its chief presiding officer, you labored and served so patriotically and well amongst us here in Wisconsin.

And so, Mr. President, once more let me say on behalf of the senate and all its members, that in presenting you at this time with this beautiful emblem and gift, we give it in the full consciousness and assurance that in the years to come you will shed even greater luster upon yourself and your state in the greater Senate in which we trust you are about to serve.

May this, at all times serve as a most pleasant reminder of the days in Wisconsin when you were a part of the great movement in which all of us in our humble way have participated in the last ten years. I know, Mr. President, that you will be so reminded every morning and every evening of your life as long as you live, and it is the hope and the sincere wish of the senate of the state of Wisconsin, that in the days to be spent by you in the senate of the United States that this will always be a token of love and respect of your friends and co-workers in the great Progressive cause in the grand old Badger State. (Applause.)

The president addressed the senate as follows:

Senators: I am unable to find words to express my appreciation. I feel there is no good reason for this kind action, nor any adequate reason for the kind expressions by the Senator from the 32nd.

I have been connected with the senate for nearly ten years. No matter where my lot may be cast in the future, I want you to believe, as I believe, that the pleasantest days of my life have been spent here. I do not expect ever to be happier than I have been in my work in this state and in this senate.

Let me say further, Senators, that this senate deserves special commendation for the work it has done. It may be true, and it is true, that at times there have been differences of opinion upon questions of policy and principle, but I believe that every senator has been actuated at all times by the highest

motives. I believe that every senator has that it squared with his conscience. The state owes much to this body of thirty here last January, and you have worked often into the late hours of the night, in the

I want to say again, Senators, that I am
can express in words, your kindness to
that friendships formed here will last fo
life. In conclusion, I want to thank you, n
ness, but for this beautiful gift.

Again, Senators, I thank you.

The president called the president pro t

Senator Kileen addressed the senate as follows:

Mr. President, I arise to a point of pers

Mr. President, it affords me great pleasure to see my fellow senators here to express their affection on this occasion for their president. I would be, fellow senators, that in this session of differences may have arisen between differences at the time of the framing of the constitution contemplated that one hundred members should be and thirty-three men should sit in the senate. I would be pleased that there should be differences of opinion and differences of judgment, well, because good always comes from differences and no broad-minded man ever finds fault with his fellow men, and is expressed and drawn out, good always comes out, only good that is brought out by the exercise of the mind.

Now, we have in our lives, fellow senators. We remember when we made our first dollar. We remember on the day of our graduation. We remember when we earned our first dollar. We remember the list of milestones our continuance here in the Senate since 1913, and I believe, fellow senators, that this is a milestone as any that we have had in our lives.

Now, Mr. President, it has fallen to my lot on this occasion to present to you a beautiful gold watch as a token of the affection that this senate has gathered for you. This, Mr. President, is a time of no doubt that every time that you take this watch out of your pocket you will remember some of the things we have had here in this session of 1913, and I hope even if you try, to remember some occasion or thing or other that happened here during this session.

Mr. President, it affords me great pleasure to present to you this beautiful gold watch as a memento of this senate. (Applause)

The president pro tempore addressed the senate as follows:
Now I can take off my glasses and see the time of day or night without difficulty.

Senators: For once I have no objections to make. I have objected sometimes, and whenever I have, I have been inspired by the same sense of duty that has inspired the Senator from the Ninth and every other Senator,—that there is no real enjoyment in life without the pleasure of differences of opinion being consistently stated and persisted in where we think duty calls; and the duty of every member of this senate has been carried out in a most consistent, persistent way, that seems to me has been admirable; and I want to thank the Senators for their persistent way of objecting and their courteous and kindly way of treating the president pro tem. when he didn't agree with them, either as presiding officer or as Senator in his seat.

I wish, Senators, that I had the wisdom of Solomon or the wit of the wittiest to say something that would be entirely appropriate to this occasion. If I could only think of some of the quotations given by the Senator from the Second and the Senator from the Thirty-second, and other Senators, I would indeed be glad to quote them on this occasion to express my appreciation of this gift.

Senators, I want to thank you for the gift. It is one that I use constantly, and each time think of the pleasant times I have had in this Senate, not only as president pro tem. but as senator upon the floor. Now, Senators, just think of the most beautiful things that you can that could be said upon an occasion of this kind, and know that I would say them if I could. I sincerely thank you for this gift; it is appreciated and will be used and appreciated as long as I live. (Applause.)

The president resumed the chair.

MOTIONS.

Senator Bosshard moved that No. 164, S., be taken from the table,

Which motion prevailed.

No. 164, S.,

A bill to amend section 1454a of the statutes, relating to the condemnation of land for the enlargement of cemeteries.

The question was, Shall the bill pass notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes, none; noes, 21; absent or not voting, 11, as follows:

Ayes—None.

Noes—Senators Albers, Bichler, Bosshard, Burke, Glenn, Hyatt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Wue, and Zophy—21.

Absent or not voting—Senators Ackl
son, Cunningham, Huber, Martin A. E.,
Weigle, Weissleder, and White—11.

And so the senate refused to pass the bill
veto.

Senator Bosshard moved that No. 571,
table,

Which motion prevailed.

No. 571, S.,

Was read a second time and

Upon motion of Senator Bosshard.

Was indefinitely postponed.

COMMITTEE REPORT

The joint committee on Finance report

A joint resolution requesting the post
Madison to cause regular deliveries of ma
department in the state capitol.

Introduction and adoption.

A joint resolution to amend section 25
constitution, relating to state printing.

Introduction and adoption.

RESOLUTIONS INTRODUCED

Jt. Res. No. 68, S. By Committee on Fin

Was read first time, and

Upon motion of Senator Skogmo

All rules interfering, were suspended by
and the joint resolution was placed upon
time.

Jt. Res. No. 68, S.,

Was read a third time and adopted.

Jt. Res. No. 69, S. By Committee on Fin

Was read first time and

Upon motion of Senator Skogmo

All rules interfering were suspended by
and the joint resolution was placed upon
time.

Jt. Res. No. 69, S.,

To amend section 25 of article IV of the
to state printing,

Was read a third time.

The question was, Shall the joint resoluti

The ayes and noes were required, and the vote was: Ayes, 9; noes, 1; absent or not voting, 12, as follows:

Ayes—Senators Biehler, Bosshard, Burke, Glenn, Hoyt, Huer, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—9.

Noes—Senator Albers—1.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E., Perry, Randolph, Richards, Stevens, Weigle, Weissleder, and White—12.

And so the joint resolution was adopted.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

“A bill curative of former appropriations and making appropriations for the various state offices, departments and other bodies therein named; relating to the manner of furnishing supplies, services and printing to the various state officers, departments, and other bodies; relating to other fiscal matters and providing a penalty.”

Introduction with recommendation for passage, Messrs. Kneen, Roessler, and Roethe dissenting only with reference to the legislative reference library; Messrs. Roethe and Spoor dissenting with reference to the appropriation for the board of agriculture.

G. E. SCOTT,
Chairman.

BILLS INTRODUCED.

By unanimous consent,

The bill offered by the committee on Finance was introduced.

Read first time and referred.

No. 641, S. By Committee on Finance. To Calendar.

Senator Zophy asked unanimous consent to introduce a bill.

Senator H. C. Martin objected and the bill was not received.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. 208, S.,

Indefinite postponement.

No. 431, S.,

Amendment No. 1, S., to substitute amendment No. 1, S., and passage, Mr. Spoor dissenting.

G. E. SCOTT,
Chairman.

Upon motion of Senator Skogmo,
All rules interfering were suspended by
and the report of the committee on Finance
this time.

No. **208, S.**,

Was indefinitely postponed.

No. **431, S.**,

Was read a second time.

Amendment No. 1, S., to substitute amendment
adopted.

Substitute amendment No. 1, S., was adopted.

Ordered engrossed and read a third time.

The bill was read a third time, and passed.

The special committee on Conservation
recommend:

No. **251, S.**,

Indefinite postponement.

No. **771, A.**, and

No. **884, A.**,

Nonconcurrence.

PAUL C.

Upon motion of Senator Skogmo,

All rules interfering were suspended by
and the report of the special committee on
acted upon at this time.

No. **251, S.**,

Was indefinitely postponed.

No. **771, A.**, and

No. **884, A.**,

Were severally read a second time, and passed.

The committee of conference on bill No.
recommend:

That the senate recede from its position on
ment No. 1, A.

OTTO H.

A. PEA

L. L. JO

A. J. HI

E. F. K

The report of the committee of conference was adopted.

The senate recessed from its position and concurred in substitute amendment No. 1, A., to No. **286, S.**

The committee of conference on bill **No. 490, A.**, report and recommend:

That the senate recede from its position on amendment No. 2, S.

JOHN M. TRUE,
H. A. HUBER,
J. D. MILLAR,
MARTIN GORECKI,
J. C. GIUDICE.

The report of the committee of conference was adopted.

No. 490, A.,

A bill to amend section 1459m of the statutes, relating to state aid to poultry associations and making an appropriation.

The question was, Shall the senate recede from its position on amendment No. 2, S.?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Biehler, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Teasdale, Tomkins, True, and Zophy—21.

None—None.

Absent or not voting—Senators Ackley, Bishop, Culbertson, Cunningham, Martin A. E., Randolph, Richards, Stevens, Weigle, Weissleder, and White—11.

And so the senate recessed from its position on amendment No. 2, S.

The committee of conference on subject matter of No. **503, S.**, and **No. 715, A.**, reports and recommends:

That the assembly recede from its position of bill **No. 503, S.**

GABRIEL ZOPHY,
H. A. HUBER,
L. L. JOHNSON,
CARL MINKLEY,
C. L. HOOD,

The report of the committee of conference was adopted.

The committee of conference on **No. 1047, A.**, report
ommend:

That the assembly recede from its position on s
amendment No. 1, S.

W. T. STEVENS.
GABRIEL ZOPHY,
ALBERT D. RICHARD
JAS. H. VINT,
JAMES DOLAN.

The report of the committee of conference was adopt

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the statute governing, I hereby nominate
and with the advice and consent of the senate, appoint:

John A. Hazelwood, of Jefferson, to be a member of t
Highway Commission, for the term ending on the first M
February, 1919.

John Burns, of La Crosse, to be a Commissioner of F
for the term ending on the 1st day of April, 1918.

Edward F. Kileen, of Wautoma, to be a Commissioner
eries, for the term ending on the first day of April, 1919.

August S. Lindemann, of Milwaukee, to be a member of
dustrial Commission of Wisconsin, for the term ending
day of June, 1919.

Respectfully submitted,

FRANCIS E. McGOVERN
Gov

July 24, 1913.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has conc
amendment No. 1, S., and amendment No. 3, S., to
No. **661, A.**

Has passed, and asks concurrence in,

No. **829, A.,**

No. **953, A.**

No. **1189, A.,** and

No. **1198, A.**

Has recalled from the governor, amended, and passed as amended.

No. **1187, A.**

Has concurred in

No. **554, S.**

Has amended, and concurred in, as amended,

No. **512, S.,** and

No. **597, S.**

Has non-concurred in

No. **550, S.**

ASSEMBLY MESSAGE CONSIDERED.

Read first time and referred.

No. **829, A.** To calendar.

No. **953, A.** To calendar.

No. **1189, A.** To calendar.

No. **1198, A.** To calendar.

Senator Skogmo moved a

CALL OF THE SENATE.

Which motion was seconded by a sufficient number, and the president directed the sergeant-at-arms to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Bishop, Bosshard, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin, H. C., Monk, Scott, Skogmo, Snover, Tomkins, True and Zophy—16.

Absent—Senators Ackley, Albers, Bichler, Burke, Culbertson, Cunningham, Huber, Martin A. E., Perry, Randolph, Richards, Stevens, Teasdale, Weigle, Weissleder and White—16.

At 8:05 o'clock p. m.,

Senator Burke moved that further proceedings under the call be dispensed with.

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Linley, Martin H. C., Monk, Perry, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—22.

Noes—0.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Martin A. E., Randolph, Richards, Weigle, Weissleder and White—10.

And so further proceedings under the call were with.

MOTIONS.

Senator Teasdale moved that No. **538, S.**, be taken up for consideration.

Which motion prevailed.

No. **538, S.**

Upon motion of Senator Teasdale,
Was indefinitely postponed.

Upon motion of Senator Skogmo, and with unanimous consent,
All business on the clerk's desk was taken up at this time.

EXECUTIVE COMMUNICATIONS CONSIDERED.

The question was, Shall the nomination by the governor of John A. Hazelwood of Jefferson, to be a member of the highway commission, for the term ending on the first day of February, 1919, be confirmed?

The ayes and noes were required, and the vote was taken: ayes, 13; noes, none; absent or not voting, 13, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshaugh, Glenn, Hoyt, Kellogg, Linley, Martin H. C., Monk, Snover, Stevens, Teasdale, Tomkins, True and White—13.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Ham, Huber, Husting, Kileen, Martin A. E., Perry, Richards, Weigle, Weissleder and White—13.

And so the nomination was confirmed.

The question was, Shall the nomination by the governor of John Burns, of La Crosse, to be a commissioner of fish and game, for the term ending on the first day of April, 1918, be confirmed?

The ayes and noes were required, and the vote was taken: ayes, 13; noes, none; absent or not voting, 13, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshaugh, Glenn, Hoyt, Kellogg, Linley, Martin H. C., Monk, Snover, Stevens, Teasdale, Tomkins, True and White—13.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Ham, Huber, Husting, Kileen, Martin A. E., Perry, Richards, Weigle, Weissleder and White—13.

And so the nomination was confirmed.

The question was, Shall the nomination by the governor of F. Kileen of Wautoma, to be a commissioner of agriculture, for the term ending on the first day of April, 1919, be confirmed?

The ayes and noes were required, and the vote was taken: ayes, 13; noes, none; absent or not voting, 13, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Kellogg, Linley, Martin H. C., Monk, Scott, Skogmo, Hoyt, Kellogg, Stevens, Teasdale, Tomkins, True and Zophy—19.

Noes—None.

Absent or not voting—Senators. Ackley, Culbertson, Cunningham, Huber, Husting, Kileen, Martin A. E., Perry, Randolph, Richards, Weigle, Weissleder and White—13.

And so the nomination was confirmed.

Nomination of August S. Lindemann, of Milwaukee, to be a member of the industrial commission of Wisconsin, for the term ending the 30th day of June, 1919.

Upon motion of Senator Skogmo,

Laid over until Friday, July 25, 1913.

The president called the president pro tempore to the chair.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT,

I am directed to inform you that the assembly has adopted the report of the committee of conference; has receded from its position on paragraph 1 of amendment No. 1, S., and has concurred in paragraph 1 of amendment No. 1, S., to

No. **19, A.**

Adopted the report of the committee of conference; recedes from its position and has concurred in amendment No. 1, S., to

No. **131, A.**

Has concurred in amendment No. 2, S., and amendment No. 3, S., to

No. **230, A.,**

Concurred in amendment No. 1, S., to

No. **1160, A.**

Amended, and concurred in, as amended, amendment No. 1, S., and has concurred in amendment No. 2, S., to

No. **1196, A.**

Concurred in

No. **603, S.**

Amended, and concurred in, as amended,

No. **389, S.**

Non-concurred in

No. **89, S.**

Adopted the report of the committee of conference from its position on amendment No. 1, S., has adopted amendment No. 1, A., to amendment No. 1, S., and has as amended, amendment No. 1, S., to

No. **816, A.**

Has concurred in

No. **583, S.,**

No. **594, S.,**

No. **595, S.,**

No. **598, S.,**

No. **601, S.,**

No. **602, S.,**

No. **604, S.,**

No. **605, S.,**

No. **606, S.,**

No. **607, S.,**

No. **608, S.,**

No. **610, S.,**

No. **612, S.,**

No. **613, S.,** and

No. **614, S.**

Has non-concurred in

No. **499, S.,**

No. **587, S.,** and

No. **596, S.**

The committee of conference on bill No. **816, A.** recommend:

That the assembly recede from its position on amendment No. 1, S., and

That amendment No. 1, A., to amendment No. 1, S., be adopted, and concurred in.

A. PEARCE TO
OTTO BOSSHART
R. W. MONK,
C. E. ESTABROOK
WM. L. SMITH,
JAMES DOLAN.

ASSEMBLY MESSAGES CONSIDERED

No. **389, S.**

Amendment No. 1, A., was concurred in.

Amendment No. 2, A., was concurred in.

No. **816, A.**

The report of the committee of conference was adopted. Amendment No. 1, A., to amendment No. 1, S., was concurred in.

NO. 1196, A.

A bill to create subsections 4 to 36, inclusive, of section 172—54, subsections 1 to 19, inclusive, and 27 to 36, inclusive, of section 172—53, and section 172—64; and to repeal section 398, subsection 4 of section 401m, sections 406 and 408, subsection 4 of section 383m, sections 391, 392, 392em, 392em—1 to 392em—7, inclusive, 392em—9, 392f, 392g, 392h, 392i, 392j, 1479b, 1479c, 1479d, 1479e, subsection 2 of section 1494j and subsection 2 of section 1494—12m, and sections 392u and 392z; and to amend subsection 9 of section 170, sections 394, 396, subsection 1 of section 401m, subdivisions (2) and (4) of section 404, subsection 1 of section 406a, section 409, subsections 8 and 34 of section 170, sections 249, 381, 382, 388, subsection 3 of section 383m, section 389, subsection 1 of section 390, subdivision (2) of section 392em—8, sections 1494b, 1494d, 1494x—10, 1494x—12, 1494x—16, subsection 1 of section 1494—1, section 1494—10, 1494—10m, 1494—14, 1494—10w, 1494—37, 392t and 392y of the statutes and making appropriations therein named for the normal schools, university and mining trade school and altering the method of handling funds of the normal schools and university.

With unanimous consent, Senator Bosshard offered amendment No. 1, S., to amendment No. 1, A., to amendment No. 1, S., Which amendment was adopted.

The question then was, Shall amendment No. 1, A., to amendment No. 1, S., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Hustling, Kellogg, Kileen, Martin H. C., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Linley, Martin A. E., Perry, Randolph, Richards, Weigle, Weissleder, and White—12.

And so the amendment was concurred in.

No. 452, S.,

A bill to revise and amend chapter 20 of the statutes, relating to the public printing.

The question was, Shall amendment No. 1, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 1; noes, 19; absent or not voting, 12, as follows:

Ayes—Senator Bosshard—1.

Noes—Senators Albers, Bichler, Bishop, Burke, Hoyt, Hust-

ing, Kellogg, Kileen, Linley, Martin H. C., Monk, Scott, mo, Snover, Stevens, Teasdale, Tomkins, True, and Zoph

Absent or not voting—Senators Ackley, Culbertson, Cuham, Glenn, Huber, Martin A. E., Perry, Randolph, RicWeigle, Weissleder, and White—12.

And so the senate refused to concur in the amendment

The question then was, Shall amendment No. 2, A., **452, S.**, be concurred in?

The ayes and noes were required, and the vote was: Ayes, 7; absent or not voting, 11, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Glenn, HLinley, Monk, Scott, Skogmo, Snover, Stevens, Teasda and Zophy—14.

Noes—Senators Albers, Bishop, Hoyt, Kellogg, Kileet in H. C. and Tomkins—7.

Absent or not voting—Senators Ackley, Culbertson, C ham, Huber, Martin A. E., Perry, Randolph, Richards, Weissleder, and White—11.

And so the amendment was concurred in.

No. 512, S.,

Amendment No. 1, A., concurred in.

Amendment No. 2, A., concurred in.

No. 597, S.,

Amendment No. 1, A., concurred in.

BILLS AND RESOLUTIONS READY FOR ENGAGEMENT.

Read second time.

No. 641, S.,

Ordered engrossed and read a third time.

No. 641, S.,

A bill to repeal sections 114, 115, 169, 287, 288, 288a, 288b, 291, 292, 293, 294, 295, subsection 10 of section 170, section 20.90, 20.91, subdivision (2) of section 157 of the statutes, and after 363 of the laws of 1913; and to amend section 288b, section 2 of section 2410a, section 172, and subsection 5 of section 2 of chapter 216, laws of 1909, and section 1 of chapter 22 of 1913, and subsections 22, 23, and 24 of section 172—53, section 1966—38, and subsection 3 of section 406a of the statutes; and to create sections 287 to 296, inclusive, subsection 1 of section 170, section 172—18, 20.90, 172—35, subsection 1 of section 170, subdivisions (2) and (14) of section 157, sections 382a, 563a, subsection 2 of section 172—11, sections 172—21—23, 172—29, 172—126, 172—130, 172—131, and 168a of

statutes, curative of former appropriations and making appropriations for the various state officers, departments and other bodies therein named; relating to the manner of furnishing supplies, services, and printing of the various state officers, departments, and other bodies; relating to other fiscal matters and providing a penalty.

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin H. C., Monk, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Linley, Martin A. E., Perry, Randolph, Richards, Weigle, Weissleder and White—12.

And so the bill was passed.

BILLS AND RESOLUTIONS TO BE ORDERED TO THIRD READING.

Read second time.

No. **829, A.**

Ordered to a third reading.

The bill was then read a third time, and concurred in.

No. **953, A.,**

Senator Bosshard offered amendments No. 1, S., No. 2, S., and No. 3, S.

Upon motion of Senator Teasdale,

Laid over until Friday, July 25, 1913.

No. **1187, A.,**

Ordered to a third reading.

No. **1187, A.,**

A bill authorizing the commissioners of public lands to sell certain land in Green Lake county belonging to the state of Wisconsin,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes; none; absent or not voting, 12, as follows:

Ayes—Senators Albers, Biehler, Bishop, Bosshard, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin, H. C. Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, ningham, Huber, Linley, Martin A. E., Perry, Randolphs, Weigle, Weissleder, and White—12.

And so the bill was concurred in.

No. **1189, A.,**

Refused to order to a third reading.

No. **1198, A.,**

Ordered to a third reading and read a third time, concurred in.

ADJOURNMENT.

Upon motion of Senator Stevens,

The senate adjourned until 9:00 o'clock, ⁷a. m. tomorrow.

FRIDAY, July 25, 1913.
10:00 O'CLOCK A. M.

The senate met.
The president in the chair.
Prayer was offered by the Rev. I. F. Roach.
Upon motion of Senator Skogmo,
The calling of the roll was dispensed with.

The journal of yesterday was approved.

MOTIONS.

Senator Skogmo moved that a committee on Committees be appointed,
Which motion prevailed.

The president appointed as committee on Committees, Senators Scott, Bosshard, and Randolph.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in

No. **655, A.**

Has concurred in

No. **256, S.,**

No. **438, S.,**

No. **617, S.,**

No. **619, S.,**

No. **621, S.,**

No. **622, S.,**

No. **623, S.,**

No. **624, S.**,
 No. **626, S.**,
 No. **627, S.**,
 No. **629, S.**,
 No. **631, S.**,
 No. **632, S.**,
 No. **633, S.**,
 No. **635, S.**,
 No. **636, S.**, and
 No. **637, S.**

Has concurred in substitute amendment N
 concurred in, as amended,
 No. **461, S.**

Has amended, and concurred in, as amended,
 No. **609, S.**, and
 No. **618, S.**

Has non-concurred in
 No. **497, S.**, and
 No. **568, S.**

And has non-concurred in report of committee
 No. **52, S.**

ASSEMBLY MESSAGE CONSIDERED

Read first time, and referred.
 No. **655, A.** To calendar.

Upon motion of Senator Skogmo, and with un-
 All business on the clerk's desk was taken up

No. **655, A.**,

Was read second time, and ordered to a third

No. **655, A.**,

A bill to repeal section 560n of the statutes, a
 tion 560n, relating to special state aid to first cl
 and making an appropriation therefor,

Was read a third time.

The question was, Shall the bill be concurred

The ayes and noes were required, and the vo
 noes, none; absent or not voting. 11, as follows

Ayes—Senators Albers, Bichler, Bishop, M
 Hoyt, Huber, Husting, Kellogg, Kileen, Mart
 Richards, Scott, Skogmo, Snover, Stevens, T
 True, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Glenn, Linley, Martin A. E., Perry, Randolph, Weigle, Weissleder, and White—11.

And so the bill was concurred in.

No. 609, S.

Amendment No. 1, A., concurred in.

No. 618, S.,

A bill to revise chapter 51 of the statutes, relating to the taxation of certain public utilities and insurance companies and to transfer sections 1037a to 1037j, both inclusive, relating to the taxation of certain other public utilities from chapter 48 of the statutes to said chapter 51, and to revise and amend said sections.

The question was, Shall amendment No. 1, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, as follows:

Ayes—Senators Albers, Biehler, Bishop, Bosshard, Burke, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Linley, Martin A. E., Perry, Randolph, Weigle, Weissleder, and White—10.

And so the amendment was concurred in.

**BILLS AND RESOLUTIONS TO BE ORDERED TO A
THIRD READING.**

No. 953, A.,

A bill to create sections 702—1 to 702—12 of the statutes, providing for a county board of education.

With unanimous consent,

Senator Bosshard withdrew amendment No. 1, S.

Amendment No. 2, S., was adopted.

Amendment No. 3, S., was adopted.

Senator Teasdale offered amendment No. 4, S.

Senator Skogmo moved that the amendment be rejected.

The ayes and noes were demanded, and the vote was: Ayes, 16; noes, 4; absent or not voting, 12, as follows:

Ayes—Senators Albers, Biehler, Bishop, Glenn, Hoyt, Huber, Husting, Kellogg, Monk, Scott, Skogmo, Snover, Stevens, Tomkins, True, and Zophy—16.

Noes—Senators Burke, Kileen, Martin H. C., and Teasdale—4.

Absent or not voting—Senators Ackley, Bosshard, Culbertson, Cunningham, Linley, Martin A. E., Perry, Randolph, Richards, Weigle, Weissleder, and White—12.

And so the amendment was rejected.

Senator Teasdale offered amendment No. 5, S.,
Which amendment was refused adoption.

The question then was, Shall the bill be ordered to
reading?

The ayes and noes were demanded, and the vote was
16; noes, 3; absent or not voting, 13, as follows:

Ayes—Senators Bishop, Bosshard, Burke, Hoyt, Hul-
ing, Kellogg, Kileen, Monk, Scott, Skogmo, Snover, Stev-
kins, True, and Zophy—16.

Noes—Senators Glenn, Martin H. C., and Teasdale.

Absent or not voting—Senators Ackley, Albers, Bie-
bertson, Cunningham, Linley, Martin A. E., Perry,
Richards, Weigle, Weissleder, and White—13.

And so the bill was ordered to a third reading.

The bill was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was:
noes, 3; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bishop, Bosshard, Burke, E-
er, Hustling, Kellogg, Kileen, Monk, Scott, Skogmo, Sn-
ens, Tomkins, True, and Zophy.—17.

Noes—Senators Glenn, Martin H. C., and Teasdale.

Absent or not voting—Senators Ackley, Biehler, C-
Cunningham, Linley, Martin A. E., Perry, Randolph,
Weigle, Weissleder, and White—12.

And so the bill was concurred in.

COMMITTEE REPORT.

The committee of conference on bill No. **1120, A.**, re-
commend,

That the senate recede from its position on amendme-
S., and amendment No. 2, S.

W. T. STEVENS
D. E. BOWMAN
PAUL HOVING
A. W. PAULSON

By unanimous consent, this report was accepted as
of the committee of conference, the other two senators
being absent.

The report of the committee of conference on No. **1**
was adopted.

The senate receded from its position on amendment **1**
and amendment No. 2, S.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed, and asks concurrence in,

No. **677, A.**,

No. **1027, A.**, and

No. **1151, A.**

Has recalled from the governor, reconsidered vote by which passed, amended, and passed, as amended,

No. **866, A.**

ASSEMBLY MESSAGE CONSIDERED.

No. **677, A.**,

Was read first time, and

Upon motion of Senator Zophy,

All rules interfering, were suspended by unanimous consent, and the bill was placed upon its concurrence at this time.

No. **677, A.**,

Was read a third time, and concurred in.

Read first time and referred.

No. **1027, A.** To calendar.

No. **1151, A.** To calendar.

The president called the president pro tempore to the chair.

No. **866, A.**

Upon motion of Senator Bosshard, and with unanimous consent, The vote by which the bill was concurred in was reconsidered.

No. **866, A.**

Substitute amendment No. 2, A.

The question was, Shall the substitute amendment be concurred in?

A division was called for, and the substitute amendment was concurred in.

No. **866, A.**,

A bill to repeal sections 959—53, 959—54, 959—55, 959—56, 959—57, 959—58. 959—59, and 959—59m of the statutes, and to create sections 959—53, 959—54, 959—55, 959—55a, 959—55b, 959—56, 959—57, 959—58, and 959—59 of the statutes, relating to the licensing of plumbers and the supervision and inspection of plumbing; and providing a penalty.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote
noes, 4; absent or not voting, 11, as follows:

Ayes—Senators Biehler, Bosshard, Burke, Gler
Husting, Kileen, Martin H. C., Monk, Richards
ens, Teasdale, Tomkins, True, and Zophy—17.

Noes—Senators Albers, Bishop, Kellogg, and

Absent or not voting—Senators Ackley, Culbe
ham, Linley, Martin A. E., Perry, Randolph,
Weissleder, and White—11.

And so the bill was concurred in.

COMMITTEE REPORT.

The special committee on Conservation report
No. **339**, **S.**,

Adoption of amendment No. 1, S., and passage
PAULO O. HU

Upon motion of Senator Skogmo,

All rules interfering, were suspended by unanim
the bill reported by the special committee on C
acted upon at this time.

No. **339**, **S.**

Amendment No. 1, S., was adopted.

Ordered engrossed and read a third time, and r
and passed.

The president resumed the chair.

COMMITTEE REPORT.

The joint committee on Finance report and reco

A bill curative of the statutes and session laws
venues, expenditures, appropriations, administrati
ing procedure; creating necessary sections, subse
sions and paragraphs and making necessary amen
peals

Introduction and passage.

GEO. E.

BILLS INTRODUCED.

By unanimous consent,
The bill offered by the joint committee on Finance was introduced.

No. **642, S.** By Committee on Finance.

Was read first time, and

Upon motion of Senator H. C. Martin,

All rules interfering, were suspended by unanimous consent, and

The bill was placed upon its passage at this time.

No. **642, S.,**

A bill curative of the statutes and session laws relative to revenues, expenditures, appropriations, administrative and accounting procedure, creating necessary sections, subsections, subdivisions and paragraphs and making necessary amendments and repeals,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 20; noes, none; absent or not voting, 12, as follows:

Ayes—Senators Biehler, Bishop, Bosshard, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin H. C., Monk, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—20.

Noes—None.

Absent or not voting—Senators Ackley, Albers, Burke, Culbertson, Cunningham, Linley, Martin A. E., Perry, Randolph, Weigle, Weissleder, and White—12.

And so the bill was passed.

Upon motion of Senator Scott,

The printing of No. **642, S.**, in bill form, was dispensed with.

Senator Biehler asked unanimous consent to introduce two bills.

Senator Teasdale objected.

Senator Biehler moved that all rules interfering, be suspended, and the bills be received.

By unanimous consent,

The motion was entertained.

Senator Bosshard asked for a division of the question.

The question was, Shall the rules be suspended and the following bill be received?

A bill to create section 1548—In of the statutes, relating to the granting of licenses for retail traffic in intoxicating liquors in hotels.

The ayes and noes were required, and the vote was: Ayes, 11; noes, 10; absent or not voting, 11, as follows:

Ayes—Senators Biehler, Bishop, Burke, Husting, Kellogg, Kileen, Richards, Snover, Stevens, Tomkins, and Zophy—11.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Martin H. C., Monk, Scott, Skogmo, Teasdale, and True—10.

Absent or not voting—Senators Ackley, Albe Cunningham, Linley, Martin A. E., Perry, Ran Weissleder, and White—11.

And so the senate refused to suspend the rules bill.

The question was, Shall the rules be suspended? The bill will be received?

A bill to provide for representation by the state at the exposition to be held at Christiania, Norway, 1914, and making an appropriation.

The ayes and noes were required, and the vote was, ayes, 4; absent or not voting, 12, as follows:

Ayes—Senators Biehler, Bishop, Bosshard, Hoyt, Huber, Husting, Kellogg, Kileen, Richards, Stevens, Teasdale, and Zophy—16.

Noes—Senators Martin H. C., Monk, Tomkins, and

Absent or not voting—Senators Ackley, Albe Cunningham, Linley, Martin A. E., Perry, Ran Weigle, Weissleder, and White—12.

And so the rules were suspended and the bill received.

No. **643, S.** By Senator Biehler.

Was read first time, and referred to committee on

MESSAGE FROM THE ASSEMBLY

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has passed
No. **559, S.**

And requests the return of bill No. **635, S.**, for
of correction and amendment.

ASSEMBLY MESSAGE CONSIDERED

No. **635, S.**,

Was ordered returned to the assembly, as per request.

RECESS.

Upon motion of Senator Kellogg,

The senate took a recess until 2:00 o'clock p. m.

AFTERNOON SESSION.

2:00 O'CLOCK P. M.

The senate was called to order by the president.

MOTIONS.

Senator Teasdale moved that the assembly be requested to return No. **655, A.**, to the senate,
Which motion prevailed.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in the report of the committee of conference, and has concurred in amendment No. 3, S., to
No. **449, A.**

Has concurred in the report of the committee of conference on
No. **490, A.**

Agrees to a committee of conference, and appoints as conferees, on the part of the assembly, Messrs. Clancy, Jacob Dietrich and Smith, on
No. **617, A.**

Has concurred in the report of the committee of conference, recedes from its position on amendment No. 1, S., and has concurred in amendment No. 1, S., to
No. **1047, A.**

Has adopted the report of the committee of conference on
No. **1120, A.**

Agrees to a committee of conference, and appoints as conferees, on the part of the assembly, Messrs. Mahon, Paul and Vint, on
No. **1191, A.**

Has concurred in amendment No. 1, S., to amendment No. 1, A., to amendment No. 1, S., to
No. **1196, A.**

Adheres to its position on amendment No. 1, A., to
No. **452, S.**

Has adopted the report of the committee of conference, has receded from its position on substitute amendment No. 1, A., and has rejected substitute amendment No. 1, A., and has concurred in,
No. **192, S.**

COMMITTEE REPORT.

The committee of conference on No. **192**, S. recommend:

That the assembly recede from its position on sub-
ment No. 1, A.

L. G. KELLOGG
ROBT. GLENN
NEWCOMB SH
HENRY OTT,
JUDSON HALL

The report of the committee of conference on
was adopted.

The committee of conference on bill No. **617**, A. recommend:

That the senate recede from its position on amendm

GABRIEL
W. L. STE
OTTO BO
WM. T. S
T. F. CLA
JACOB D.

The report of the committee of conference on
was adopted.

The question was, Shall the senate recede from i
amendment No. 1, S., to No. **617**, A.?

The ayes and noes were required, and the vote w
noes, 7; absent or not voting, 11, as follows:

Ayes—Senators Bichler, Burke, Glenn, Hoyt, Hu
Kellogg, Martin H. C., Scott, Skogmo, Stevens, T
and Zophy—14.

Noes—Senators Albers, Bishop, Monk, Perry, Ric
er, and Teasdale—7.

Absent or not voting—Senators Ackley, Bosshard
Cunningham, Kileen, Linley, Martin A. E., Rando
Weissleder, and White—11.

And so the senate receded from its position on am
1, S.

The president called the president pro tempore to

By unanimous consent, the business on the clerk's desk was taken up at this time.

No. 1027, A.

Upon motion of Senator Bosshard,
Was non-concurred in.

No. 1151, A.

Senator Skogmo moved that the bill be non-concurred in.

Senator Zophy offered amendment No. 1, S.,

Which amendment was adopted.

Upon motion of Senator Richards,

Laid over until this evening.

ASSEMBLY MESSAGE CONSIDERED.

No. 452, S.,

A bill to revise and amend chapter 20 of the statutes, relating to the public printing.

Upon motion of Senator Kileen,

The vote by which amendment No. 1, A., was refused concurrence was reconsidered.

Senator Kileen offered amendment No. 1, S., to amendment No. 1, A.,

Which amendment was adopted.

The question then was, Shall amendment No. 1, A., be concurred in?

The ayes and noes were required, and the vote was: Ayes, 22; noes, none; absent or not voting, 10, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—22.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Linley, Martin A. E., Randolph, Weigle, Weissleder, and White—10.

And so the amendment was concurred in.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has amended, and concurred in, as amended,

No. 560, S.

ASSEMBLY MESSAGE CONSIDERED

By unanimous consent,

No. **560, S.**,

Was considered at this time.

No. **560, S.**

Amendment No. 1, A., was concurred in.

MOTIONS.

Senator Scott, with unanimous consent, moved that which Res. No. 32, S., was adopted, be reconsidered.

Which motion prevailed.

Res. No. 32, S.

Senator Scott offered the following amendment:

SUBSTITUTE AMENDMENT NO. 1, S., TO
NO. 32, S.

Appropriating from the contingent fund an amount to cover expenses of the senate incurred up to the next session.

Resolved by the senate, That the secretary of state be authorized to audit, and the state treasurer to pay, out of the contingent fund, upon certification of the chief clerk, as may be due to the Wisconsin Telephone company, the Union Telegraph company, and the Postal Telegraph company for telephone and telegraph tolls on official senate mail and to such other parties to whom the senate may be indebted for services rendered. Such certificate of the chief clerk is to be accompanied by an itemized statement by the parties to whom such amount is to be paid.

Which substitute amendment was adopted.

The question was, Shall Res. No. 32, S., as amended be adopted?

The ayes and noes were required, and the vote was taken: ayes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bishop, Burke, Huber, Husting, Kellogg, Kileen, Martin H. C., Scott, Skogmo, Snover, Stevens, Teasdale, Tomlinson, Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Bosshart, Cunningham, Linley, Martin A. E., Randolph, Richardson, Weissleder, and White—11.

And so the resolution was adopted.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted report of committee of conference on

No. **617, A.**

Has concurred in

No. **202, S.,**

No. **226, S.,**

No. **321, S.,**

No. **431, S.,**

No. **548, S.,**

Jt. Res. No. 67, S., and

Jt. Res. No. 68, S.

Has non-concurred in

No. **564, S.**

Has amended, and concurred in, as amended,

No. **611, S.,**

And has concurred in

No. **585, S.,** and

No. **599, S.**

The president resumed the chair.

RECESS.

Upon motion of Senator Skogmo,

The senate took a recess until 7:30 o'clock p. m.

CHIEF CLERK'S REPORT.

The chief clerk records

Jt. Res. No. 66, S.,

Correctly enrolled at 2:30 o'clock p. m.

EVENING SESSION.

7:30 O'CLOCK P. M.

The senate was called to order by the president.

Senator Teasdale moved that the assembly be requested to return No. **953, A.**, to the senate for amendment,

Which motion prevailed.

Senator Richards moved that the assembly be requested to return No. **677, A.**, to the senate,

Which motion prevailed.

RESOLUTION INTRODUCED.

Jt. Res. No. 70, S.,

A joint resolution relating to legislative procedure.

Resolved by the senate, the assembly concurring, That after 12 o'clock, midnight, July 25, 1913, no business be transacted in either house except the receipt of enrolled bills, messages from the governor, and action upon revisor's correction bills, and business incident to these.

By Senator Monk.

Adopted.

COMMITTEE REPORT.

The joint committee on Finance report and recommend:

No. **643, S.**,

Passage.

G. E. SCOTT,
Chairman.

By unanimous consent,

No. **643, S.**,

Was placed upon its passage at this time.

No. **643, S.**,

A bill to provide for representation by the state of Wisconsin at the exposition to be held at Christiania, Norway, in the year 1914, and making an appropriation,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was. Ayes, 20; noes, 2; absent or not voting, 10, as follows:

Ayes—Senators Albers, Biehler, Bishop, Bosshard, Burke, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin H. C., Monk,

Richards, Scott, Skogmo, Snover, Stevens, Teasdale, True, and Zophy—22.

Noes—Senators Perry and Tomkins—2.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Linley, Martin A. E., Randolph, Weigle, Weissleder, and White—10.

And so the bill was passed.

BILLS INTRODUCED:

Senator Bosshard asked unanimous consent to introduce a bill.

Senator Kileen objected, and the bill was not received.

By unanimous consent,

Final action was ordered to be taken on all matters coming before the senate at this session.

COMMITTEE REPORTS.

REPORT OF THE SPECIAL COMMITTEE ON COMMITTEES.

The committee on Committees report and recommend for appointment of the special committee on the part of the senate to be appointed under

Jt. Res. No. 47, S.,

A joint resolution relating to insurance against accident, sickness and invalidity, and the preventions of pauperism and dependency.

The following senators to constitute said committee, Senators Hoyt, Zophy and Richards.

And as special committee on the part of the senate under Chapter 339,

An act to provide for the appointment of a committee to investigate and report on the subject of white slave traffic and kindred subjects, and making an appropriation therefor,

The following senators, Senators Teasdale, Linley and Monk.

G. E. SCOTT,
OTTO BOSSHARD.

The report of the special committee on Committees was adopted.

The president appointed as senate members of the committee under chapter 339 of the laws of 1913, Senators Teasdale, Linley and Monk.

COMMITTEE REPORT.

The committee of conference on No. **1191, A.**, report and recommend:

That the senate recede from its position on amendment No. 1, S.

W. J. BICHLER,
G. E. SCOTT,
H. C. MARTIN,
THOS. J. MAHON,
A. W. PAUL.

Dissenting: E. H. ZINN.

The report of the committee of conference on No. **1191, A.** was adopted.

The question, was, Shall the senate recede from its position on amendment No. 1, S.?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Hoyt, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Glenn, Huber, Linley, Martin A. E., Randolph, Weigle, Weissleder, and White—11.

And so the senate receded from its position.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has adopted report of committee of conference on

No. **1191, A.**,

And returns herewith, as per request,

No. **655, A.**

Adopted, and asks concurrence in,

Jt. Res. No. 99, A.

Has concurred in

No. **339, S.**,

No. **630, S.**, and

No. **640, S.**

Has amended, and concurred in, as amended,

No. **635, S.**, and

No. **639, S.**

Has concurred in amendment No. 1, S., to amendment No. 1, A., and concurred in bill
No. **452, S.**

Has non-concurred in
No. **176, S.**, and
No. **337, S.**

Has refused concurrence in
No. **572, S.**

Has amended, and concurred in, as amended,
No. **628, S.**

Has concurred in
Jt. Res. No. 69, S.

Has concurred in
No. **615, S.**, and
No. **616, S.**

Has amended, and concurred in as amended,
No. **620, S.**, and
No. **625, S.**

Returns herewith, as per request,
No. **677, A.**

And refuses to return
No. **953, A.**

ASSEMBLY MESSAGES CONSIDERED.

No. **655, A.**

Upon motion of Senator Teasdale,

The vote by which the bill was concurred in, was reconsidered.

Upon motion of Senator H. C. Martin,

The bill was non-concurred in.

No. **611, S.**,

A bill to create section 2339m of the statutes, relating to marriage and venereal diseases.

Amendment No. 1, A.

Senator Husting moved that the amendment be non-concurred in.

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 9; absent or not voting, 11, as follows:

Ayes—Senators Bichler, Bosshard, Burke, Husting, Kellogg, Martin H. C., Perry, Scott, Snover, Stevens, True, and Zophy—12.

Noes—Senators Albers, Bishop, Hoyt, Kileen, Monk, Richards, Skogmo, Teasdale, and Tomkins—9.

Absent or not voting—Senators Ackley, Culbertson, Cunning-

ham, Glenn, Huber, Linley, Martin A. E., Randolph, Weigle, Weissleder, and White—11.

And so the amendment was non-concurred in.

No. 620, S.

Amendment No. 1, A., was concurred in.

No. 625, S.

Amendment No. 1, A., was concurred in,

Jt. Res. No. 99, A.,

Was read, and concurred in.

No. 635, S.

Amendment No. 1, A., was concurred in.

No. 639, S.

Amendment No. 1, A., was concurred in.

No. 677, A.

Upon motion of Senator Richards,

The vote by which the bill was concurred in was reconsidered.

Upon motion of Senator Richards,

The bill was non-concurred in.

No. 628, S.

Amendment No. 1, A., was concurred in.

BILLS AND RESOLUTIONS TO BE ORDERED TO A THIRD READING.

No. 1151, A.,

A bill to provide that cities may issue bonds for fifty years in regard to purchases of lands.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 6; noes, 14; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bishop, Burke, Kellogg, Perry, and Teasdale—6.

Noes—Senators Bichler, Bosshard, Glenn, Hoyt, Husting, Ki-leen, Richards, Scott, Skogmo, Snover, Stevens, Tomkins, True, and Zophy—14.

Absent or not voting—Senators Ackley, Culbertson, Cunningham, Huber, Linley, Martin A. E., Martin H. C., Monk, Randolph, Weigle, Weissleder, and White—12.

And so the senate refused to non-concur in the bill, thereby ordering it to a third reading.

No. 1151, A.,

Was read a third time, and concurred in.

BILL INTRODUCED.

By unanimous consent, Senator Kileen was given leave to introduce a bill.

Read first time, and referred.

No. **644, S.** By Senator Kileen. To committee on Finance.

MESSAGES FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has amended, and concurred in, as amended,

No. **642, S.**

Has concurred in

No. **641, S.**

Has amended, and concurred in, as amended,

No. **188, S.,**

Has non-concurred in

No. **638, S.**

And has amended, and concurred in, as amended, amendment

No. 1, S., to

No. **1151, A.**

ASSEMBLY MESSAGE CONSIDERED.

No. **642, S.,**

A bill curative of the statutes and session laws relative to revenues, expenditures, appropriations, administrative and accounting procedure; creating necessary sections, subsections, subdivisions and paragraphs, and making necessary amendments and repeals.

Amendment No. 1, A.

The question was, Shall the amendment be concurred in?

The ayes and noes were required, and the vote was: Ayes, 20; noes, 1; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler Bosshard, Glenn, Hoyt, Hustling, Kellogg, Kileen, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—20.

Noes—Senator Bishop—1.

Absent or not voting—Senators Ackley, Burke, Culbertson, Cunningham, Huber, Linley, Martin A. E., Randolph, Weigle, Weissleder, and White—11.

And so the amendment was concurred in.

No. 188, S.

Substitute amendment No. 1, A.

Upon motion of Senator Skogmo,

Was non-concurred in.

No. 1151, A.

Amendment No. 1, A., to amendment No. 1, S., was concurred in.

COMMITTEE REPORT.

The committee on Finance report and recommend:

No. 644, S.,

Passage.

G. E. SCOTT,
Chairman.

No. 644, S.,

A bill to provide for a joint committee to investigate the system of courts in Wisconsin, and to recommend such changes as may be necessary, to promote efficiency and economy in the administration of justice, and making an appropriation therefor; and to repeal chapter 560 of the laws of 1913,

Was read a third time.

The question was, Shall the bill pass?

The ayes and noes were required, and the vote was: Ayes, 21; noes, none; absent or not voting, 11, as follows:

Ayes—Senators Albers, Bichler, Bishop, Bosshard, Glenn, Hoyt, Husting, Kellogg, Kileen, Martin H. C., Monk, Perry, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, and Zophy—21.

Noes—None.

Absent or not voting—Senators Ackley, Burke, Culbertson, Cunningham, Huber, Linley, Martin A. E., Randolph, Weigle, Weissleder, and White—11.

And so the bill was passed.

RESOLUTIONS INTRODUCED.**Jt. Res. No. 71, S.,**

Authorizing the chief clerk of the senate to have printed in pamphlet form fifteen hundred copies of bill **454, S.**, relating to water powers, as enrolled.

Resolved by the senate, the assembly concurring. That the chief clerk of the senate be authorized to have printed in pamphlet form fifteen hundred copies of bill **454, S.**, relating to water powers, as enrolled.

By Senator Bosshard.

Adopted.

Res. No. 33, S.,

Permitting the assistant sergeant-at-arms, policemen, and messengers to retain their badges.

Resolved by the senate, That the assistant sergeant-at-arms, policemen, and messengers be permitted to retain their badges as a souvenir of their office.

By Senator Richards.

Adopted by a unanimous rising vote.

Senator Bosshard addressed the senate as follows:

Mr. President: I presume the gentlemen affected by the resolution, these young gentlemen, will be entirely satisfied with the mere passing of the resolution, but I presume it might add somewhat to the satisfaction which all of them will feel if in addition to the resolution the senate expressed to them their keen appreciation for their unfailing courtesy and efforts to make light the work of the members at this session.

Senators who have been here in previous sessions have observed a distinct improvement in the service this session over the service two years ago. That may not be entirely due to the efforts and good will of our employes, for two years ago our quarters were less convenient and less pleasant than we have enjoyed this session, but I do not think it is necessary on the part of any of the senators to assure every member of the clerk's force and of the sergeant's force, that the high quality and standard of service furnished the senate at this session has been appreciated by every senator.

I know there has not been a messenger here that any member of the senate has not felt free at any time to press into service. All these young men if a request was made to look up a certain bill, "I do not know the number of it, but it relates to so and so," displayed more than the ordinary amount of intelligence and experience.

More than that, the courtesy and the willingness and the promptness and the unfailing good humor of all the senate employes has been one of the most satisfactory and commendable things of this long and busy session, and we trust that these gentlemen who served us here during the past seven months in the capacity of messengers and clerks will some day occupy seats in this body.

Senator Husting addressed the senate as follows:

Mr. President: I don't know that I can add anything to the remarks made by the senator, but I also want to say that as a member of the senate I highly appreciate the efficient service rendered by the sergeant at arms and his staff and the chief clerk and his staff, for their unfailing industry and their excellent service. They have indeed made this session a pleasant one and

added to the work done a high grade of efficient service, and I trust that future senates will be accorded the same high grade of service that we have enjoyed here during this session.

Senator Tomkins addressed the senate as follows:

Mr. President: I want to endorse the remarks of the other senators who have preceded me. I think perhaps the worthy senator from the thirty-second, who has had the honor of serving as a page himself in the United States House of Representatives, and probably is more familiar with the service and knows the trials and tribulations of the young gentlemen who have acted for us, and knows how exacting the members of such a body often are. I personally have noticed that not only the messengers, the chief clerk's force, the sergeant's force, but our stenographers in particular, have worked painstakingly in trying to help along the work of this session, and I think they are all entitled to the greatest praise and commendation. I want also to call attention to another department which has been of great service, especially to the special committee on Conservation, and that is the legislative reference library. I want to heartily endorse the work of that department, and especially the work of that gentleman, Mr. Riley, who has given so much of his time to our special committee. Looking back over the work of the session and the work done by that committee, I hardly see how we could have accomplished the results that we did without his worthy assistance, and take great pleasure at this time in endorsing his work.

Res. No. 34, S.,

Thanking the chief clerk and the sergeant-at-arms and their subordinates for their services during this session of the legislature.

Be it resolved, That the senate do herewith convey to our chief clerk and his staff, also the sergeant-at-arms and all his subordinates our deep appreciation of the able and untiring services they have rendered the members during the session of the legislature of 1913.

By Senator Glenn.

Adopted by a unanimous rising vote.

Chief Clerk Wylie addressed the senate as follows:

Mr. President and Senators: I want to express the appreciation of myself and the clerks who have worked with me of the consideration we have always had from the senators and to express the hope that when we part at the end of the session we will part with mutual regard and esteem.

Sergeant-at-Arms Leicht addressed the senate as follows:

Mr. President and Senators: I am deeply grateful for these kind expressions at your hands, and I assure you that I shall remember each and every one of you to the last day of my life.

When I came here I did not expect to get the support of all you senators in my election, and I assure you that it was a great surprise to me to receive the unanimous support of the Democrats and Republicans alike. I have always made it a point in life when a duty was cast upon me to perform that duty to the best of my ability. I have tried to serve the senators faithfully and well, and it seems from your expressions that you are satisfied. I am therefore satisfied, and I thank you once again.

MOTIONS.

Senator Zophy moved that No. **715, A.**, be taken from the table.

Which motion prevailed.

Upon motion of Senator Zophy,

The bill was non-concurred in.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly requests return of bill

No. **638, S.**

Has concurred in

No. **503, S.**

Has refused concurrence in

No. **643, S.**

And refuses to recede from its position on amendment No. 1, A., and requests committee of conference, and has appointed as conferees, Messrs. Goff, Axel Johnson, and Dolan, on

No. **611, S.**

ASSEMBLY MESSAGES CONSIDERED.

No. **638, S.**

Was ordered returned to the assembly, as per request.

No. **611, S.**

Amendment No. 1, A.

The request of the assembly for a committee of conference was agreed to.

The president appointed as conferees on part of the senate, Senators Richards, Hoyt and Glenn.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

A week ago Mr. August S. Lindemann, of Milwaukee, assured me he would be pleased to accept an appointment as member of the Industrial Commission of Wisconsin to succeed Prof. John R. Commons, whose term of office had expired. Yesterday I appointed him to fill this vacancy and submitted his name to you for confirmation. Early this morning he called upon me in person in Milwaukee and said that having conferred with his business associates and taken account of his private affairs he found it impossible to accept the appointment. I have therefore this day revoked his commission and hereby notify the members of your honorable body of this fact and that you need not therefore further consider the question of his confirmation.

Now, therefore, pursuant to the statute governing, I hereby nominate, and by and with the advice and consent of the Senate appoint:

Thomas J. Mahon, of Eland, to be a member of the Industrial Commission of Wisconsin, for the term ending on the thirtieth day of June, 1919.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

Madison, Wisconsin, July 25, 1913.

EXECUTIVE COMMUNICATION CONSIDERED.

The question was, Shall the nomination of Thomas J. Mahon of Eland, to be a member of the Industrial Commission of Wisconsin, for the term ending on the thirtieth day of June, 1919, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 9; noes, 11; absent or not voting, 12, as follows:

Ayes—Senators Albers, Bichler, Bishop, Hoyt, Kellogg, Kileen, Perry, Snover, and Stevens—9.

Noes—Senators Bosshard, Glenn, Husting, Martin H. C., Monk, Richards, Scott, Skogmo, Teasdale, Tomkins, and Zophy—11.

Absent or not voting—Senators Ackley, Burke, Culbertson, Cunningham, Huber, Linley, Martin A. E., Randolph, True, Weigle, Weissleder, and White—12.

And so the senate refused to confirm the nomination.

No. 1180, A.,

The report of the committee of conference was adopted.

The question was, Shall the senate recede from its position on substitute amendment No. 1, A., to amendment No. 1, S., and concur in substitute amendment No. 2, A., thereto?

A division was called for, and the senate receded from its position on substitute amendment No. 1, A., to amendment No. 1, S., and concurred in substitute amendment No. 2, A., to amendment No. 1, S.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has concurred in Jt. Res. No. 71, S.,

No. **638, S.**, and

No. **644, S.**

Has passed, and asks concurrence in,

No. **421, A.**

Adheres to its position on substitute amendment No. 1, A., to No. **188, S.**

Has adopted report of committee on conference and receded from its position on amendment No. 1, A., to

No. **611, S.**

COMMITTEE REPORT.

The committee of conference on No. **611, S.**, report and recommend:

That the assembly recede from its position on amendment No. 1, A.

G. E. HOYT,
W. L. RICHARDS,
ROBT. GLENN,
S. C. GOFF,

Dissenting:

JAS. DOLAN,
AXEL JOHNSON,

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

MR. PRESIDENT:

I am directed to inform you that the assembly has adopted report of committee of conference, rejected substitute amendment

No. 1, A., to amendment No. 1, S., adopted substitute amendment No. 2, A., to amendment No. 1, S., and concurred in as amended, to

No. 1, S., as amended, to

No. **1180, A.**

And has amended, and concurred in, as amended,
Jt. Res. No. 70, S.

CONFERENCE COMMITTEE REPORT.

The committee of conference on bill No. **1180, A.**, recommends:

That the assembly and senate recede from their positions on substitute amendment No. 1, A., to amendment No. 1, S., and adopt substitute amendment No. 2, A., thereto.

HOWARD TEASDALE,
R. W. MONK,
E. H. ZINN,
JACOB DIETRICH.

ASSEMBLY MESSAGES CONSIDERED.

No. **421, A.**

Read first time.

Upon motion of Senator H. C. Martin,
The bill was non-concurred in.

No. **611, S.**

The report of the committee of conference was adopted.

Jt. Res. No. 70, S.

Substitute amendment No. 1, A.

Senator Glenn offered the following amendment:

AMENDMENT NO. 1, S., TO SUBSTITUTE AMENDMENT NO. 1, A., TO JOINT RESOLUTION NO. 70,

Amend substitute amendment No. 1, A., to Joint Resolution No. 70, S., by adding a new paragraph after paragraph 4, as follows: "5. Receive messages from the governor."

Further amend by striking out the words, "*Be it further resolved by the assembly, the senate concurring, That the assembly do now adjourn until Tuesday, July 29, 1913,*" and inserting in lieu thereof the following: "*Be it further resolved by the assembly, the senate concurring, That when the assembly do now adjourn, it be until Tuesday, July 29, 1913.*"

Which amendment was adopted.

Substitute No. 1, A., as amended, was concurred in.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 1, S., to substitute amendment No. 1, A., to Jt. Res. No. 70, S.

ADJOURNMENT.

Upon motion of Senator Tomkins,

The senate adjourned until Tuesday, July 29, 1913, at 10:00 o'clock a. m.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **274, S.**,

No. **561, S.**, and

No. **579, S.**,

Correctly enrolled at 7:30 o'clock p. m.

TUESDAY, JULY 23,
10:00 O'CLOCK

The senate met.
The president pro tempore in the chair.
Upon motion of Senator Huber,
The calling of the roll was dispensed with.

The journal of Friday, July 25, 1913, was approved.

EXECUTIVE COMMUNICATION.

To the Honorable, the Legislature:

Pursuant to the requirements of law, I have the honor the following expenditures from the Governor's Contingent to January 1, 1913, for the years 1911 and 1912:

Subscription to newspapers and magazines.....	\$316.71
Inauguration of 1911, state dinner, legislative reception, Roosevelt reception, Newspaper Conference reception, and Chinese reception.....	2,022 20
Caring for Governor Harvey's grave, for two years ..	10 00
Extra stenographic service.....	11 00
Printing (messages, etc.).....	74 75
Express, telegraph, and telephone.....	136 00
Railroad fare and traveling expenses— (Engineer and legislative committee to Black River Falls after flood; Executive Clerk, Private Secretary, and Dr. J. W. Coon).....	\$214 34
Charity (Red Cross seals, etc.).....	76 50
Notary Fee and Seal, for office.....	3 75
S. P. Engraving Company, for engraving.....	25 50
Miscellaneous	4 00
	<hr/> \$2,894 75

Received cash from Governor Davidson	\$148 02
Balance remaining in contingent fund of Governor Davidson.....	3,500 00
Appropriation, chapter 521, laws 1911.....	4,000 00

Expended to January 1, 1913.....	\$2,894 75
Reverted to general fund, July 1, 1912.....	1,000 00
On hand January 1, 1913.....	253 27
Credit, January, 1913, at office of secretary of state..	3,500 00
	<hr/> \$7,648 02

Respectfully submitted,
FRANCIS F. McGOVERN,
Governor.

July 26, 1913.

ADJOURNMENT.

Upon motion of Senator Huber,
The senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:

Jt. Res. No. 38, S.,

Correctly enrolled at 9:00 o'clock a. m., July 26, 1913.

No. **460, S.,**

No. **554, S.,**

No. **583, S.,**

No. **594, S.,**

No. **601, S.,**

No. **607, S.,**

No. **608, S.,**

No. **610, S.,** and

No. **612, S.,**

Correctly enrolled at 11:00 o'clock a. m., July 26, 1913.

No. **84, S.,**

No. **308, S.,**

No. **595, S.,**

No. **604, S.,**

No. **609, S.,**

No. **613, S.,** and

No. **614, S.**

Correctly enrolled at 10:45 o'clock a. m., July 28, 1913.

No. **389, S.,**

No. **597, S.,**

No. **598, S.**

No. **602, S.,**

No. **603, S.,**

No. **606, S.,** and

No. **621, S.,**

Correctly enrolled at 2:25 o'clock p. m., July 28, 1913.

No. **192, S.,**

No. **256, S.,**

No. **426, S.,**

No. 559, S., and

No. 639, S.,

Correctly enrolled at 6:55 o'clock p. m., July 28, 1913,

No. 286, S.,

No. 461, S.,

No. 611, S.,

No. 615, S., and

No. 628, S.,

Correctly enrolled at 11:40 o'clock a. m., July 29, 1913.

WEDNESDAY JULY 30, 1913.
10:00 O'CLOCK A. M.

The senate met.
The president pro tempore in the chair.
Upon motion of Senator Teasdale,
The calling of the roll was dispensed with.

The journal of yesterday was approved.

RECESS.

Upon motion of Senator Teasdale,
The senate took a recess until 11:00 o'clock a. m.

11:00 O'CLOCK A. M.
The senate was called to order by the president pro tempore.

ADJOURNMENT.

Upon motion of Senator Teasdale,
The senate adjourned.

CHIEF CLERK'S REPORT.

The chief clerk records:
No. 440, S.,
No. 512, S.,
No. 599, S.,
No. 616, S.,

No. **631, S.,**

No. **633, S.,**

No. **636, S.,** and

No. **637, S.,**

Correctly enrolled at 3:00 o'clock p. m., July 29, 1913.

Jt. Res. No. 56, S., and

Jt. Res. No. 69, S.

Correctly enrolled at 4:45 o'clock p. m., July 29, 1913.

No. **619, S.,**

No. **625, S.,**

No. **635, S.,** and

No. **644, S.,**

Correctly enrolled at 9:30 o'clock a. m., July 30, 1913.

No. **438, S.,**

No. **503, S.,**

No. **617, S.,**

No. **620, S.,**

No. **624, S.,**

No. **630, S.,**

No. **640, S.,** and

Jt. Res. No. 67, S.,

Correctly enrolled at 11:15 o'clock a. m., July 30, 1913.

THURSDAY, JULY 31, 1913.

10:00 O' CLOCK A. M.

The senate met.

The president pro tempore in the chair.

Upon motion of Senator Bichler,

The calling of the roll was dispensed with.

The journal of yesterday was approved.

RESOLUTION INTRODUCED.

Jt. Res. No. 72, S.,

Recalling bill No. **621, S.**, from the governor for amendment.

Resolved by the senate, the assembly concurring, That bill No. **621, S.**, be recalled from the governor for amendment.

By Senator Bichler.

Adopted.

RECESS.

Upon motion of Senator Teasdale,

The senate took a recess until 10:30 o'clock a. m.

10:30 O'CLOCK A. M.

The senate was called to order by the president pro tempore.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred

Jt. Res. No. 72, S.

81—S. J.

And has adopted, and asks concurrence in,
Jt. Res. No. 100, A.

EXECUTIVE COMMUNICATIONS.

To the Honorable, the Senate:

Pursuant to the provisions of Joint Resolution No. 72, S., I return herewith bill No. **621, S.**, for the purpose of amendment.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

Dated July 31st, 1913.

To the Honorable, the Senate:

I return herewith, without approval, bill No. **601, S.**, entitled
"An act to legalize the organization of certain towns".

The bill relates exclusively to the towns of Draper and Winter in Sawyer county. It is, therefore, a local bill.

Milwaukee County v. Isenring, 109 Wis. 9.

As such it should not embrace more than one subject and that should be embraced in the title.

Constitution of the State of Wisconsin, Art. 4, Sec. 18.
Isenring case, supra.

But this bill embraces more than one subject, none of which is expressed in the title. Its invalidity is therefore too manifest to require argument.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

July 30, 1913.

ASSEMBLY MESSAGE CONSIDERED.

Jt. Res. No. 100, A.,

Was concurred in.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **621, S.**

Senator Bichler, with unanimous consent, moved that the vote by which the bill was passed, be reconsidered,

Which motion prevailed.

Senator Bichler, with unanimous consent, offered amendment No. 1, S.,

Which amendment was adopted.

No. **621, S.**, as amended, passed.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in Amendment No. 1, S., and concurred in, as amended, No. **621, S.**, recalled from governor.

ADJOURNMENT.

Upon motion of Senator Teasdale,

The senate adjourned until Thursday, August 7, 1913, at 2:00 o'clock p. m., in accordance with Jt. Res. No. 100, A.

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **202, S.**,

No. **321, S.**,

No. **339, S.**,

No. **454, S.**, and

No. **560, S.**,

Correctly enrolled at 2:20 o'clock p. m., July 30, 1913.

No. **394, S.**, and

No. **605, S.**,

Correctly enrolled at 9:15 o'clock a. m., July 31, 1913, and

No. **621, S.**,

Correctly enrolled at 11:30 o'clock a. m., July 31, 1913.

THURSDAY

The senate met.

The president pro tempore in the chair.

The roll was called and the following senators:

Senators Ackley, Bichler, Bishop, Cunningham, Hoyt, Huber, Husting, Kello E., Martin H. C., Perry, Richards, Snover

—18.

Absent—Senators Albers, Bosshard Randolph, Scott, Skogmo, Tomkin

leder, White, and Zophy—14.

The journal of Thursday, July 31, 1901

EXECUTIVE COMMUNICATIONS

No. **601, S.**

A bill to legalize the organization

The question was, Shall the bill pass?

The ayes and noes were required, noes, 18; absent or not voting, 14.

Ayes—None.

Noes—Senators Ackley, Bichler, Cunningham, Hoyt, Huber, Husting, A. E., Martin H. C., Perry, Richards

dale—18.

Absent or not voting—Senator Ackley, Monk, Randolph, Scott, Skogmo, Weissleder, White, and Zophy—14.

And so the senate refused to pass the bill.

EXECUTIVE COMMUNICATIONS.

To the Honorable, the Senate:

I return herewith, without approval, bill Number **321, S.**, entitled, "An act to amend section 1917 of the statutes, and to repeal section 1955 of the statutes, relating to insurance".

This bill does not accomplish what it purports to do,—that is, to revise and amend section 1917 of the statutes, relating to the licensing of insurance companies and the revocation of such licenses for stated causes.

This same section was amended at this session by chapter 637, in identically the same language here proposed, and is now the law of the state.

Section 1955 was by implication repealed by the earlier chapter and its formal removal from the statutes is being accomplished by the so-called "curative bill".

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

August 6, 1913.

Upon motion of Senator Bichler,

All rules interfering were suspended by unanimous consent, and No. **321, S.**, was taken up at this time.

No. **321, S.**,

A bill to amend section 1917 of the statutes, and to repeal section 1955 of the statutes, relating to insurance.

The question was, Shall the bill pass notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes, none; noes, 18, absent or not voting, 14, as follows:

Ayes—None.

Noes—Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Richards, Snover, Stevens, and Teasdale—18.

Absent or not voting—Senators Albers, Bosshard, Glenn, Linley, Monk, Randolph, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—14.

And so the senate refused to pass the bill over the governor's veto.

To the Honorable, The Senate:

I return herewith, without approval, bill Number **503, S.**, entitled, "An act to provide for an investigation of the subject of insurance against accident, sickness and invalidity, and the pre-

vention of pauperism and dependency, and appropriation''.

Such an investigation as is proposed here a resolution number 47, S., to which this bill relates would prove unnecessarily expensive. If work to be undertaken at all it should be done by either Commission or the Board of Public Affairs. Under (section 2394—52) the Industrial Commission conduct the inquiry here proposed. With its position, its staff of experts, the mass of collected data already in its possession or easily accessible, matters relating to the welfare of working people, opportunities for further inquiry the Industrial Commission easily secure better results with half the cost of the bill. It would take at least six months for the committee of the legislature, inexperienced as matters of this sort, to acquire the general knowledge the possession of the Industrial Commission.

What I have just said about the Industrial Commission in a measure true also of the Board of Public Affairs now a permanent body. Like the Industrial Commission has been in existence for two years. Its organization, its work and trained employees fit it much better than the committee mentioned in Joint Resolution Number 47. The performance of the work therein outlined. The principal reasons for the establishment of the Board of Public Affairs was to provide a permanent organization for inquiries of this sort instead of submitting them to the committees of the legislature as was formerly the case. It was found that the old method was both expensive and unsatisfactory. For instance during the recess between 1909 and 1911 no less than five such committees were appointed. Some of them did good work while others did very little. But they all incurred expense which amounted to more than \$40,000.

Besides the cost incident to inquiries conducted by legislative committees the results of such inquiries are unsatisfactory because of frequent changes in membership of both the senate and the assembly. In the case of the legislative committee to investigate the subject of forestry in 1909 for example, not a single member of the assembly side was reelected to office the following year. When the report of the committee reached that body the members were content therefore to explain or defend it. Many of the results cannot be attained in this way.

An additional reason why this bill should be passed is that it likewise overlaps the provisions of the law establishing a state board of health. Chapter

this session authorizes a reorganization of the present Board of Health on broad and comprehensive lines and commits to it many of the matters mentioned in this bill. Subdivision 3 of section 1407a—3 of this statute provides for instance as follows:

“Such deputy state health officer shall also make careful inquiry when required by the state board of health as to the effects of the different kinds of employment upon the health of employees and operators, with special reference to tuberculosis and to lead and phosphorus poisoning and other industrial diseases, and in all such investigations he shall have the power to administer oaths in regard to all matters pertaining thereto.”

To enable the Board of Health to perform this and other duties committed to it an ample appropriation of \$40,000 has been provided.

Moreover, the \$20,000 appropriation provided in this bill is too large. It would be unsafe to assume that a less amount would actually be spent if this measure became law. Already the appropriations made at this session of the legislature are very large—much in excess of any heretofore authorized. It may be true that an investigation of the sort here proposed is desirable; but it should not be undertaken upon any such scale as this bill contemplates nor by the duplication of public agencies engaged in the same work in such a way as to introduce inefficiency and extravagance into the public service.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

August 6, 1913.

Upon motion of Senator Bichler,

All rules interfering, were suspended by unanimous consent, and No. 503, S., was taken up at this time.

No. 503, S.,

A bill to provide for an investigation of the subject of insurance against accident, sickness and invalidity, and the prevention of pauperism and dependency, and making an appropriation.

The question was, Shall the bill pass, notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes, 1; noes, 17; absent or not voting, 14, as follows:

Ayes—Senator Teasdale—1.

Noes—Messrs. Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Richards, Snower, and Stevens—17.

Absent or not voting—Senators Albers, Bosshard, Glenn, Linley, Monk, Randolph, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—14.

And so the senate refused to pass the bill
veto.

MADISON, WIS.

To the Honorable, the Senate:

I return herewith without my approval bill
titled, "An act to amend subdivision (4) of section
1960 of the statutes, relating to accident
of insurance."

This bill seeks to amend subsection 4 of section
601 of the laws of this session so as to extend
in lots of fifty or more and given away by
patrons or customers." The vice in the measure
to me, is that it is a step backward, in that
law it would tend to encourage rebating which
proved such a prolific source of demoralization in
ministration. If accident policies are to be good
be good policies so framed as to protect the insured
jury. As the law now is, all accident insurance
are subjected to the same restraints except in the case of
ticket policies, where the reason for exemption is the
rule of equality should be maintained.

Respectfully submitted

FRANCIS E. M.

Upon motion of Senator Culbertson,

All rules interfering, were suspended by unanimous
No. **619, S.**, was taken up at this time.

No. **619, S.**,

A bill to amend subdivision (4) of subsection
of the statutes, relating to accident and health insurance.

The question was, Shall the bill pass, notwithstanding
jections of the governor?

The ayes and noes were required, and there were
none; noes, 18; absent or not voting, 14, as follows:
Ayes—None.

Noes—Senators Ackley, Bichler, Bishop, Cunningham,
Hoyt, Huber, Husting, Kellogg, A. E., Martin H. C., Perry,
Richards, Snodgrass, Teasdale—18.

Absent or not voting—Senators Albers, Linley, Monk,
Randolph, Scott, Skogmo, Weigle, Weissleder, White,
and Zophy—14.

And so the senate refused to pass the bill
veto.

To the Honorable, the Senate:

I return herewith, without approval, bill No. 636, S., entitled, "An act to amend subsection (12) of section 20.84 of the statutes, relating to the distribution of Blue Books."

If enacted into law this bill would amend subsection 12 of section 20.84 of the statutes so as to permit each member of the legislature to receive three hundred copies of the Blue Book instead of two hundred and fifty as at present and each officer of the legislature to receive three hundred copies instead of fifty as provided by existing law. Two years ago it seemed to me the limit of generosity had been reached in the distribution of Blue Books to members of the legislature. But this bill shows I was mistaken. By its terms each state officer, whether governor, attorney general, state treasurer or secretary of state, and each judge, from the chief justice of the supreme court down, is entitled to receive but a single copy of the Blue Book while the members and officers of the legislature may receive three hundred copies each. Whatever may be said in favor of a liberal distribution of Blue Books among the members of the legislature because their present salary is meager, no excuse whatever can be advanced for giving away three hundred copies each to the legislative officers, all of whom are adequately compensated by salaries for the services they perform.

The printing bill of the state is now altogether too large. Every effort should be made to reduce it instead of unnecessarily swelling it as this measure would do if it became law.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

August 1, 1913.

Senator Culbertson moved that all rules interfering be suspended and No. 636, S., be taken up at this time.

Senator Teasdale objected.

The question was, Shall the rules be suspended?

The ayes and noes were required, and the vote was: Ayes, 11; noes, 7; absent or not voting, 14, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Kileen, Martin A. E., Perry, Snover, and Stevens—11.

Noes—Senators Hoyt, Huber, Husting, Kellogg, Martin H. C., Richards, and Teasdale—7.

Absent or not voting—Senators Albers, Bosshard, Glenn, Linley, Monk, Randolph, Scott, Skogmo, Tomkins, True, Weigle, Weisleder, White, and Zophy—14.

And so the senate refused to suspend the rules.

To the Honorable, the Senate:

I return herewith, without approval, bill No. 644. "An act to provide for a joint committee to investigate the system of courts in Wisconsin and to recommend such changes as may be necessary to promote efficiency and economy in the administration of justice, and making an appropriation therefor and to repeal chapter 560 of the laws of 1913."

If enacted into law this bill would supersede chapter 560 of the laws of this session. The only change in that chapter attempted to be made is to take away from the governor the power of appointing three members of the joint committee created by that chapter and to confer this power upon the president of the state bar association. Both measures authorize the appointment of two of the members of this committee by the governor, one by the senate and three by the presiding officer of the assembly. It is a little difficult to understand why the senate should change its mind about the competency of the governor to appoint these three members or why the power to be taken from him should be conferred upon one of the public officers at all and who by virtue of his position as president of the bar association is himself a member of the committee created by chapter 560. Of course I may be wrong about this and the power lodged in the governor under the present law may be a dangerous one; but it does not seem to me that the danger is great enough to justify encumbering the administration of the state with an additional law.

Respectfully submitted,
FRANCIS E. MCGOWAN

August 1, 1913.

Upon motion of Senator Kileen,

All rules interfering, were suspended by unanimous vote. No. 644, S., was taken up at this time.

No. 644, S.,

A bill to provide for a joint committee to investigate the system of courts in Wisconsin and to recommend such changes as may be necessary to promote efficiency and economy in the administration of justice, and making an appropriation therefor; and to repeal chapter 560 of the laws of 1913.

The question was, Shall the bill pass, notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was—Ayes, 18; noes, 18; absent or not voting, 14, as follows:

Ayes—None.

Noes—Senators Ackley, Bichler, Bishop, Burk, Cunningham, Hoyt, Huber, Hustung, Kellogg, Kileen, A. E., Martin H. C., Perry, Richards, Snover, Teasdale—18.

Absent or not voting—Senators Albers, Bosshard, Glenn, Linley, Monk, Randolph, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—14.

And so the senate refused to pass the bill over the governor's veto.

To the Honorable, the Senate:

The following bills originating in the senate, have been received, approved and deposited in the office of the secretary of state:

No. 85, S.,

Entitled, "An act to create subdivision (g) of section 1087m—3 and subdivision (k) of section 1087m—4, and to amend subsection 2 of section 1087m—5 and section 1087m—26 of the statutes, relating to the income tax."

Approved July 10.

No. 153, S.,

Entitled, "An act to amend subsection 1 of section 1797—9 of the statutes, relating to passenger depots."

Approved July 10.

No. 533, S.,

Entitled, "An act to appropriate to the city treasurer of the city of New Richmond a certain sum of money therein named."

Approved July 10.

No. 540, S.,

Entitled, "An act to amend section 106 of the statutes, relating to the records of the joint committee on finance."

Approved July 10.

No. 544, S.,

Entitled, "An act to create section 1317m—16 of the statutes, relating to the allotment of the state highway fund."

Approved July 11.

No. 552, S.,

Entitled, "An act to create subdivision (9t) of section 669 of the statutes, relating to powers of the county board."

Approved July 10.

No. 562, S.,

Entitled, "An act to authorize the justices of the peace elected in the town of Shelby or the town of Campbell, La Crosse county, Wisconsin, to perform the duties of such office at any place within the city of La Crosse."

Approved July 10.

No. 567, S.,

Entitled "An act to create section 1797m—74n of the statutes, relating to licenses, permits and franchises of public utilities."

Approved July 10.

No. 570, S.,

Entitled "An act to amend section 819 of the statutes, relating to the powers of town boards."

Approved July 10.

No. 576, S.,

Entitled "An act making an appropriation in addition to the appropriation already made for the celebration of the fiftieth anniversary of the battle of Gettysburg."

Approved July 10.

No. 577, S.,

Entitled "An act to authorize George Apfelbacher to bring suit against the state of Wisconsin."

Approved July 10.

No. 590, S.,

Entitled, "An act to amend section 697c of the statutes, relating to the employment of persons committed to jails and work-houses at hard labor and the payment of their earnings to those dependent upon them."

Approved July 10.

No. 186, S.,

Entitled, "An act to amend section 469k of the statutes, relating to the tuition fee in free high schools."

Approved July 16.

No. 142, S.,

Entitled. "An act to create section 496c—4 of the statutes, relating to a short course of agriculture and domestic science in high schools, and making an appropriation therefor."

Approved July 22.

No. 205, S.,

Entitled, "An act to create section 560g—1 and subsection 1 of section 172--55 of the statutes, relating to state aid to rural schools, and making an appropriation therefor."

Approved July 22.

No. 295, S.,

Entitled, "An act to repeal subdivision (e) of subsection 1 and subsections 4, 5, 6, and 7 of section 1915, and sections 1905, 1905a, 1916, 1919b, 1919c, and 1966—48 of the statutes, and to create subsections 4, 5, 6 and 7 of section 1915, and sections 1905 and 1916, and to amend section 1917 of the statutes, relating to re-insurance and the admission and licensing of insurance companies."

Approved July 22.

No. 504, S.,

Entitled, "An act to create subsection 3 of section 1219 of the statutes, relating to the license fees and taxes of fire insurance companies."

Approved July 22.

No. 541, S.,

Entitled, "An act to renumber section 1955a—1 to be subsection 6 of section 1958, and renumber section 1955b—5 to be subsection 7 of section 1958, and to create subsection 8 of section 1958, and to create paragraph (d) of subsection 11 of section 1957 of the statutes, relating to fraternal benefit societies."

Approved July 22.

No. 542, S.,

Entitled, "An act to create section 4560a—42m of the statutes, and to amend subdivision (1) of section 4560a—42 of the statutes, relating to fishing in Lake Superior."

Approved July 22.

No. 563, S.,

Entitled, "An act to create subdivision (5a) of section 430 of the statutes, relating to powers of electors and validating certain applications for loans from the trust funds of the state authorized and made prior to the passage of chapter 302, laws of 1913."

Approved July 22.

No. 566, S.,

Entitled, "An act to repeal chapter 49 of the laws of 1885, relating to the preservation of fish in any lake or water-course in the county of Walworth."

Approved July 22.

No. 575, S.,

Entitled, "An act to amend subdivision (3) of section 1087—1 of the statutes, relating to inheritance tax."

Approved July 22.

No. 600, S.,

Entitled, "An act to amend section 1816 of the statutes, relating to contributory negligence in actions against railroad companies for personal injuries to employees."

Approved July 22.

No. 539, S.,

Entitled, "An act to amend sections 925—95b, 925—95c, 925—95d, 925—95e and 925—95f of the statutes, relating to the operation of waterworks in cities of the third and fourth classes."

Approved July 24.

No. 274, S.,

Entitled, "An act to create section 4738m of the statutes, relating to the sentence of repeaters in counties containing a city of one hundred fifty thousand or more population."

Approved July 30.

No. 561, S.,

Entitled, "An act to create section 392 L—1 and subsection 3 of section 172—34 of the statutes, relating to the geological and natural history survey, and making an appropriation."

Approved July 28.

No. 579, S.,

Entitled, "An act to create section 1238f of the laws relating to town road supervision."

Approved July 28.

No. 554, S.,

Entitled, "An act to repeal subsection (14) of s. 10 of the statutes, relating to exemption from taxation."

Approved July 30.

No. 308, S.,

Entitled, "An act to create sections 573—1, 5 and subsection 53 of section 172—67 of the statute new home for the feeble-minded, and to appropriate for."

Approved July 30.

No. 460, S.,

Entitled, "An act to amend subsection 6 of sect create section 35—30 of the statutes, relating to candidates for town or village officers."

Approved July 30.

No. 594, S.,

Entitled, "An act to consolidate and revise sec
and 959—52n of the statutes, relating to lightin
cities and villages by means of ornamental light

Approved July 30.

Not **595, S.**,

Entitled, "An act to detach certain territory from Sigel in Chippewa county, and to create the town of Sigel, and to provide for town meetings therein, and for final settlement of said towns."

Approved July 30.

No. 604, S.,

Entitled, "An act to secure a report in relation to monuments which should be erected by this state, to its civil war, on the battlefield of Antietam and Gainsburg an appropriation."

Approved July 30.

No. 607, S.,

Entitled, 'An act to appropriate certain sums of several charitable, reformatory and penal institutions deficiencies in the current expense funds and fund ments of such institutions for the balance of the period.'

Approved July 30,

No. 608, S.,

Entitled, "An act to amend section 16 of chapter

1899, as amended by chapter 485, laws of 1913, relating to the district court of Milwaukee county."

Approved July 30.

No. 609, S.,

Entitled, "An act to create subsection 3 of section 1326 of the statutes, relating to highways."

Approved July 30.

No. 610, S.,

Entitled, "An act to amend section 925—43 of the statutes as amended by chapter 490, laws of 1913, and section 925—95f of the statutes, relating to the operation of waterworks in cities of the third and fourth classes, and relating to the duties and powers of the city treasurer."

Approved July 30.

No. 612, S.,

Entitled, "An act to transfer certain matter relating to the eligibility of judges of certain courts of records to be elected to or to hold other offices from section 113.01 of the statutes to make the same a part of chapter 115 of the statutes, relating to other courts of record."

Approved July 30.

No. 613, S.,

Entitled, "An act to amend that paragraph of section 113.06 of the statutes, relating to terms of circuit court in the fourteenth judicial circuit "

Approved July 30.

No. 614, S.,

Entitled, "An act to amend section 2394—7 of the statutes, relating to the liability of employers, for injuries or death sustained by their employees, providing for compensation for accidental injury or death of employees."

Approved July 30.

No. 389, S.,

Entitled, "An act to amend subsections 1, 4, 5, 6, 8, 9, 12 and 13 of section 1636—47, subsections 1, 2, 3 and 5 of section 1636—48 and sections 1636—49, 1636—50, 1636—52, 1636—52m and 1636—55 of the statutes, relating to the registration and regulation of automobiles, motorcycles, and other motor vehicles.

Approved July 30.

No. 597, S.,

Entitled, "An act to amend sections 2360h—1, 2360h—2, 2360h—3 and 2360h—4 of the statutes, relating to divorce counsel."

Approved July 30.

No. 598, S.,

Entitled, "An act to repeal section 1241 (1911) of the statutes, enacted by section 2 of chapter 599 of the laws of 1911, and sec-

tion 1260m of the statutes relating to the collection of highway taxes in money in towns; and to amend sections 1240, 1241 (1898, and 1260 (1911) of the statutes relating to the levying and collection of highway taxes in labor and in money."

Approved July 30.

No. **602, S.,**

Entitled, "An act to create subsection 3a of section 1492b of the statutes, relating to compensation to owners of cattle slaughtered on account of being afflicted with tuberculosis, and making an appropriation."

Approved July 30.

No. **603, S.,**

Entitled, "An act to amend section 2339 of the statutes, relating to marriage licenses."

Approved July 30,

Dated Madison, Wisconsin, July 31st, A. D. 1913.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

To the Honorable, the Senate:

Pursuant to the statutes governing, I hereby nominate and by and with the consent of the senate, appoint:

Thomas J. Mahon, of Eland to be a member of the Industrial Commission of Wisconsin, for the term ending on the 30th day of June, 1919.

A. W. Sanborn, of Ashland, to be a member of State Board of Public Affairs for the term ending August 7th, 1915.

W. H. Hatton of New London to be a member of the State Board of Public Affairs for the term ending August 7th, 1915.

John Humphrey of Milwaukee to be a member of the State Board of Public Affairs for the term ending August 7th, 1915.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

August 7th, 1913.

Senator Ackley asked that unanimous consent be given for the suspension of all rules requiring the nominations by the governor to lie over.

Senator Husting objected.

Senator Ackley then moved that all rules requiring the nominations by the governor to lie over be suspended.

The question was, Shall the rules be suspended?

Senator Huber moved a

CALL OF THE SENATE,

Which motion was seconded by a sufficient number, and the president directed the sergeant-at-arms to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Richards, Snover, Stevens, and Teasdale—18.

Absent—Senators Albers, Bosshard, Glenn, Linley, Monk, Randolph, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—14.

Absent with leave—None.

On Friday, August 8, 1913, at 11:20 o'clock a. m.,

Senator Kileen moved that further proceedings under the call be dispensed with.

The ayes and noes were required, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, and Weissleder—14.

Noes—Senators Bosshard, Glenn, Hoyt, Huber, Husting, Martin H. C., Skogmo, Teasdale, Tomkins True, White, and Zophy—12.

Absent or not voting—Senators Albers, Linley, Monk, Randolph, Scott, and Weigle—6.

And so the senate refused to dispense with further proceedings under the call.

Senator Bichler moved that the senate adjourn.

The ayes and noes were required; and the vote was: Ayes, 3; noes, 23; absent or not voting, 6, as follows:

Ayes—Senators Bichler, Hoyt, and Zophy—3.

Noes—Senators Ackley, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Perry, Richards, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weissleder, and White—23.

Absent or not voting—Senators Albers, Linley, Monk, Randolph, Scott, and Weigle—6.

And so the senate refused to adjourn.

82—S. J.

On Saturday, August 9, 1913 at 10:10 o'clock a. m.

The sergeant-at-arms reported that all senators were in the capitol, and would, in a few moments, be in their seats.

The roll was called and the following senators answered to their names:

Senators Albers, Bichler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Richards, Scott, Skogmo, Snover, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—28.

Absent—Senators Ackley, Burke, Perry, and Stevens—4.

Absent with leave—None.

Senator Randolph moved that further proceedings under the call be dispensed with.

The ayes and noes were required, and the vote was: Ayes, 24; noes, 4; absent or not voting, 4, as follows:

Ayes—Senators Bichler, Bishop, Bosshard, Culbertson, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—24.

Noes—Senators Albers, Cunningham, Richards and Snover—4.

Absent or not voting—Senators Ackley, Burke, Perry, and Stevens—4.

And so further proceedings under the call were dispensed with.

The question was, Shall all rules requiring the nominations by the governor to lie over be suspended?

By unanimous consent,

The rules were suspended.

Senator Teasdale rose to a question of parliamentary inquiry, whether the rules that a question once decided must stand as the judgment of the senate at the then session, unless reconsidered under the rules, were suspended.

The president stated that these rules had not been suspended.

Upon request of Senator Husting, and by unanimous consent, these rules also were suspended.

The question was, Shall the nomination of Thomas J. Mahon of Eland to be a member of the Industrial Commission for the term ending on the 30th day of June 1919, be confirmed.

The ayes and noes were required, and the vote was: Ayes, 14; noes, 18; absent or not voting, none, as follows:

Ayes—Senators Ackley, Bichler, Bishop, Burke, Culbertson, Cunningham, Kellogg, Kileen, Martin A. E., Perry, Richards, Snover, Stevens, and Weissleder—14.

Noes—Senators Albers, Bosshard, Glenn, Hoyt, Huber, Husting, Linley, Martin H. C., Monk, Randolph, Scott, Skogmo, Teasdale, Tomkins, True, Weigle, White and Zophy—18.

Absent or not voting—None.

And so the senate refused to confirm the nomination.

The question was, Shall the nomination of A. W. Sanborn, of Ashland, to be a member of the State Board of Public Affairs for the term ending August 7th, 1915, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 32; noes, none; absent or not voting, none, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—32.

Noes—None.

Absent or not voting—None.

And so the nomination was confirmed.

Upon motion of Senator Randolph, and by unanimous consent, The other nominations were voted upon together.

The question was, Shall the nominations of W. H. Hattor of New London, and John Humphrey of Milwaukee, to be members of the State Board of Public Affairs, for the term ending August 7th, 1915, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 32; noes, none; absent or not voting, none, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—32.

Noes—None.

Absent or not voting—None.

And so the nominations were confirmed.

EXECUTIVE COMMUNICATIONS.

To the Honorable, the Legislature:

The increase in appropriations, whether real or apparent only, made by the present legislature is a matter of such vital importance as to justify me in calling your especial attention to it even at the close of this protracted session.

Experience under it will alone determine whether the new way of making provision for the maintenance of public institutions and state departments will promote economy or extravagance. All we know now is that the aggregate of appropriations is larger this year than ever before. With a few unimportant exceptions the bills have come to me in the form of omnibus measures that include so many matters as to make it practically impossible to veto them, no matter what opinion I may hold as to the wisdom of some of their provisions. For

example, all money voted for the support of the University and the normal schools was appropriated in a single bill; all money for the various penal and charitable institutions of the state was passed in a single measure; all appropriations for the various state departments, boards and commissions and for the semi-public societies and associations—over fifty in all—were included in two bills. The greater portion of the money for the construction of highways and bridges was appropriated in a single bill; but a large sum for this purpose was included in one of the two departmental measures. The first of these money bills was introduced in the legislature on June 26th. None of them was received at the executive office until within the past two weeks. Two were not presented to me until a few days ago. One has not yet come. Every one of these bills it appears, passed the senate without a single dissenting vote and no one of them was opposed in the assembly by more than fifteen members.

The change in the form and comprehensiveness of these appropriation measures began two years ago in an attempt to introduce the budget system and during the present session it has apparently been carried forward to its final stage, unless it is intended ultimately to put all appropriations of public money in a single bill.

No doubt there are advantages connected with this method of voting public money. But the significant result of the change has been practically to nullify the executive veto with respect to all financial measures. As these bills have come to me during the closing days of this session there are many items in them that meet my approval; a number I should prefer to see reduced in amount; and others I should like to veto altogether if I had the power. But no chance to do this or to separate the good from the bad was given me. Under the constitution I can neither veto separate items in an appropriation bill nor reduce specific grants I may think excessive. The only alternative presented therefore was to sign these bills, defective in a number of particulars as I regarded them, or to veto them as a whole, thus rejecting what I approved as well as what I disapproved. In other words, under the law as it is at present I am required to hazard the defeat of much good legislation in order to accomplish the rejection of a few items that I think are bad; or, on the other hand, to approve a piece of legislation vicious in part as it seems to me in order to obtain the benefits to flow from the remaining meritorious provisions of the same act.

Should one of these large appropriation bills have been vetoed at this stage of the legislative session a most unfortunate situation would have arisen. The legislature would have but one alternative: to sustain the veto or to pass the bill over it. Should the legislature override my veto the bill would

stand just as though I had signed it; and should the veto be sustained, no new bill or amendment to the one vetoed could under the rules of each house have been presented without unanimous consent—something very difficult to obtain under existing circumstances and therefore very unlikely to happen. Inasmuch as appropriation bills require for their enactment the presence of three-fifths of the total membership elected to each house and the several departments of the state government and our public institutions must somehow be maintained, the total defeat of one of these principal money bills would be nothing short of disastrous.

I have therefore signed these bills, but with many misgivings. Numerous items in them seem to me too large. Others I think should be disallowed entirely. As an illustration of what I mean, a contingent fund of two thousand dollars a year has long been provided for the governor's office. This amount has always been found sufficient. It was intended to meet not the traveling expenses of the governor himself—for the constitution forbids him from charging expenses of this sort to the public—but to meet unexpected emergencies arising anywhere in the public service or to assist any governmental department or agency in carrying on needed public work for which there might be no separate appropriation. Two years ago some of the other departments applied for the creation of a similar fund, to be placed at their disposal. One of these bills—known as senate bill No. 344—passed the legislature. It provided a contingent fund of \$500.00 for the commissioner of insurance out of which he was authorized to defray his traveling expenses while attending meetings with fellow commissioners from other states. As it seems to me that this measure tended to extravagance and wastefulness of public money I vetoed it. In doing so I said:

“If the policy be adopted of making appropriations in advance to enable the head of this department of the state government to attend meetings of this sort, it will be but a short time before the heads of other departments and bureaus will make like request which it will be difficult to refuse. It needs no argument to show that the inevitable result of such a policy will be extravagance. The time to prevent such unnecessary expenditure of public money is when the first application is made. Every object mentioned in the bill may be accomplished under present laws without the necessity of an additional permanent appropriation.”

At the present session however the departmental appropriation bill provided not only for a contingent fund for one capitol department but for three. While the customary contingent fund of \$2,000 annually for the governor was voted, a contingent fund of \$5,000 a year was provided for the attorney general and one of \$8,000 a year was placed at the disposal of the insurance

commissioner. It is unnecessary for me to say that if these last two items had come to me in the form of separate bills I should have vetoed them. I believe now as I did two years ago that they tend to extravagance and the waste of public money. But at the time the departmental appropriation bill was presented to me the legislature was prepared to adjourn. Had I any reason to believe that a veto of this measure would result in the elimination of these and a few more unnecessary items without changes for the worse in other portions of the bill, I might have been warranted in withholding my approval from it. But there was no ground for such expectation. This bill moreover like all these omnibus appropriation measures was so drawn as to include many matters of general legislation as well as the appropriation of public money. The former was, as I viewed it, entirely meritorious while some items of the latter seemed to me to require paring or rejection. But I had no authority to do this. Instead, I was compelled to accept the bad with the good or reject all.

Similar illustrations occur in other money bills. In the case of the university appropriation \$7500 was set aside for the "building and equipment of boat and bath houses and for the remodeling of present boat house buildings." The item is in my opinion at least three times too large. In like manner the normal schools were given \$100,000 with which to build a dormitory, without any legislative determination whatever as to where such a dormitory should be erected. If no one knows where such a building is needed why vote the money for it at this time. Why not let it wait until either the normal school regents or the legislature have come to recognize a specific need of this sort at some particular institution? Surely a hundred thousand dollar grant of public money should not be thrown among the normal schools as an apple of discord.

From these illustrations and others that might be adduced it is clear that under the budget plan of appropriating money the executive department no longer exercises the influence or power it once had or was intended by the constitution to possess. It seems to me therefore something should be done to restore matters to the equilibrium of power and responsibility that has always existed between the executive and legislative branches of government in respect to these matters. With the introduction of the budget system and the framing of money bills as omnibus measures, authority should be conferred upon the governor that he does not now possess. The governors of thirty-one states now have the right to veto special items in appropriation bills without rejecting the bills as a whole and in some states the executive has the power to reduce items without vetoing them entirely.

In many of the states where these rules obtain it is required by the constitution that all acts shall embrace but one subject

and that subject must be clearly expressed in the title. When exception is made to this rule, as in the case of appropriation bills, the governor has usually been given the power to veto special items and return the parts of measures which he rejects to the legislature for its further consideration. In Wisconsin the rule that acts shall embrace but one subject applies only to local and special acts and does not apply to appropriation bills. The governor here is therefore without power to veto special items in measures of this sort or to reduce them in amount. But he should have it. Otherwise, he cannot fairly be held responsible for appropriation measures. Under the method of legislation pursued at this session he now has in fact practically nothing to say about what shall go into appropriation bills or be kept out of them. But nothing more deeply concerns the people of the state than the appropriation of public money and the imposition of taxes; and to no state officer do they more quickly or properly turn for explanation when expenditures and taxes are high than to the governor. It is clear of course that the governor can never take the initiative in the formulation of money bills; but unless it is the intention to absolve him wholly from responsibility for the financial condition of the state the disbursement of revenues and the levying of taxes he should be given the right to revise the work of the legislature in these matters item by item when it comes to him for approval.

It should of course be borne in mind that liberal maximum appropriations do not necessarily mean extravagant expenditure; but they make increased expenditure possible if indeed they do not encourage it. We do not want to dwarf any of our public institutions, through short-sighted parsimony; but neither should we remove all wholesome restraint upon the amount of money they may use.

The power to veto separate items in appropriation bills can be conferred upon the governor of this state, I believe, only by constitutional amendment. As to the desirability of such an amendment the present situation is the best argument. Anticipating that a majority of the members of both the senate and the assembly will be in attendance today. I take the liberty of recommending most urgently the adoption before the close of this session of a joint resolution upon this subject in order that a beginning may now be made and two years time saved in the introduction of this needed reform.

With all the facts now fresh in your minds and the propriety of such an amendment to the constitution so clearly manifest action upon such a resolution need not protract your session more than a few hours should the completion of your other work now permit final adjournment.

Such an amendment would effect no essential change in the power of the governor in respect to appropriation bills; it

would merely counteract the present tendency to eliminate him entirely from the consideration of them. It will only restore to him his former power and responsibility.

Respectfully submitted,
(Signed) FRANCIS E. McGOVERN,
Governor.

August 7, 1913.

RESOLUTION INTRODUCED.

Jt. Res. No. 73, S.

Resolved by the senate, the assembly concurring, That the governor be requested to return to the senate, bill No. **431, S.**, for amendment.

By Senator Tomkins. Adopted.

BILLS INTRODUCED.

By unanimous consent, Senator Kileen was given leave to introduce a bill.

No. **645, S.** By Senator Kileen.

Upon motion of Senator Kileen,

All rules interfering were suspended by unanimous consent, and the bill was placed upon its passage at this time.

No. **645, S.**,

Was read third time, and passed.

Senator Kileen asked unanimous consent to introduce a bill.

Senator Richards objected.

Upon motion of Senator Bosshard, and by unanimous consent,
No. **636, S.**,

Was taken up at this time.

No. **636, S.**,

A bill to amend subsection (12) of section 20.84 of the statutes, relating to the distribution of Wisconsin blue books.

The question was, Shall the bill pass notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes, none; noes, 30; absent or not voting, 2, as follows:

Ayes—None.

Noes—Senators Albers, Bichler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Hustung, Kellogg, Kileen, Linley, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, and Zophy—30.

Absent or not voting—Senators Ackley and White—2.

And so the senate refused to pass the bill over the governor's veto.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof:

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in
Jt. Res. No. 73, S.

Has amended, and concurred in, as amended
No. **515, S.**

Has adopted and asks concurrence in,
Jt. Res. No. 101, A.

ASSEMBLY MESSAGES CONSIDERED.

Jt. Res. No. 101, A.,
Was concurred in.

The president appointed as committee on part of the senate
under Jt. Res. No. 101, A., Senators Kileen, Burke and Snover.

By unanimous consent, all rules interfering were suspended,
and No. **515, S.**, was taken up at this time.

No. **515, S.**,

Substitute amendment No. 1, A., was concurred in.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

Pursuant to the provisions of joint resolution number 73, S, I
return herewith, for the purpose of amendment, bill number **431,**
S.

Respectfully submitted,
FRANCIS E. MCGOVERN,
Governor.

August 9, 1913.

EXECUTIVE COMMUNICATION CONSIDERED.

No. **431, S.**,

With unanimous consent, Senator Tomkins moved that the
vote by which the bill was passed, be reconsidered,

Which motion prevailed.

Senator Tomkins, with unanimous consent, offered amendment
No. 2, S.,

Which amendment was adopted.

The bill, as amended, passed.

BILLS INTRODUCED.

Senator Kileen, with unanimous consent, introduced three bills.
No. **646, S.** By Senator Kileen.

Upon motion of Senator Bosshard,
All rules interfering were suspended, by unanimous consent, and
the bill was placed upon its passage at this time.

No. **646, S.,**

Was read a third time, and passed.

No. **647, S.**

Upon motion of Senator Bosshard,
□ All rules interfering were suspended by unanimous consent, and
the bill was placed upon its passage at this time.

No. **647, S.,**

Was read a third time, and passed.

No. **648, S.**

Upon motion of Senator Randolph,
All rules interfering were suspended by unanimous consent, and
the bill was placed upon its passage at this time.

No. **648, S.,**

Was read a third time, and passed.

By unanimous consent, Senator Kellogg was given leave to introduce a bill

No. **648, S.** By Senator Kellogg.

Upon motion of Senator Randolph,
All rules interfering, were suspended by unanimous consent, and
the bill was placed upon its passage at this time.

No. **648, S.,**

Was read a third time, and passed.

EXECUTIVE COMMUNICATIONS.

To the Honorable, the Senate:

Pursuant to the statute governing, I hereby nominate and by and with the advice and consent of the Senate, appoint: Fred M. Wilcox of Appleton to be a member of the Industrial Commission of Wisconsin, for the term ending the 30th day of June, 1919.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

August 9, 1913.

Upon motion of Senator Randolph,

All rules interfering, were suspended by unanimous consent, and
the nomination was taken up at this time.

The question was, Shall the nomination of Fred M. Wilcox of Appleton to be a member of the Industrial Commission of Wisconsin, for the term ending the 30th day of June, 1919, be confirmed?

The ayes and noes were required, and the vote was: Ayes, 31; noes, none; absent or not voting, 1, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Richards, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—31.

Noes—None.

Absent or not voting—Senator Linley—1.

And so the nomination was confirmed.

To the Honorable, the Senate:

I return herewith, without approval, Bill Number 548, S., entitled "An Act to amend sections 1747e and 1747f of the statutes, relating to trusts, monopolies and restraints of trade."

The principal objection to this bill is that it proposes a radical and undesirable change in the settled policy of the state in relation to the conduct of public prosecutions. As the law now is actions to which the state is a party or in which the public is concerned are prosecuted or defended, as the case may be, while pending in the circuit court by the district attorney of the county in which they happen to arise. Most of these officers are competent public officials. Almost invariably they have offices at the county seat. They are therefore readily accessible to the people of each community who seek the enforcement of law or the redress of public wrongs. Occasionally the attorney general or his assistants are invited to sit in these cases in aid of the local prosecuting officers. He may as matter of right participate in any proceeding in which the state is a party, and in the class of cases dealt with in this bill he may compel the district attorney of any county to bring an action in the name of the state whenever such a course may appear advisable.

This system of coöperation between central and local prosecuting authorities has worked well. So far as I know there is no public demand whatever for a change. But if this measure became law it would take from district attorneys all power to initiate actions against trusts or monopolies except as these local officers might be permitted to appear upon invitation of the attorney general, and then only to assist him. In other words, under this bill no one but the attorney general would have the right to start an action to enforce these salutary statutes. Thus the anomaly is presented of a bill ostensibly devised to prevent monopoly, so framed as to secure an absolute monopoly to the attorney general in the enforcement of it. To limit the administration of law in this way cannot conduce to either economy or efficiency.

What additional expense would be incident to this marked increase in the powers of the attorney general is a matter upon which conjecture only is possible. How many more deputies would he require? What agencies would he employ for ascertaining the necessity for bringing these cases? What increased expense would be incurred? Some light is thrown upon these subjects by provisions in two bills already enacted into law at this session.

The first of these is chapter 556. It authorizes the attorney general as well as the head of every other department to appoint as many deputies and assistants as may be thought necessary. He is limited only by the amount of his departmental appropriation. The other measure is chapter 675, also of the present session. Besides the customary appropriation for the support of the attorney general's office it provides something entirely new, an annual contingent fund for the attorney general of \$5,000. More than this, from and after July 1, 1913, an unlimited appropriation is provided out of the general fund to cover the cost of all the special counsel he may see fit to employ in the prosecution or defense of these or any other actions in which the state may be a party. It is plain therefore that with the enactment of this bill into law there would be no legal restraint whatever upon the amount of public money the attorney general might spend. Thus to open the door to an unlimited increase in the expense of maintaining this office cannot be considered wise. Surely there is no apparent necessity or public demand for the enactment of legislation which tends so plainly toward extravagance.

The remainder of this bill is not new, but merely amplifies and restates in language of doubtful advantage to the public, the law relative to trusts and monopolies as it has been upon the statute books of Wisconsin for a number of years.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

Aug. 9, 1913.

Upon motion of Senator H. C. Martin,

All rules interfering were suspended by unanimous consent, and the veto message was taken up at this time.

No. 548, S.,

A bill to amend sections 1747e and 1747f of the statutes, relating to trusts, monopolies and restraints of trade.

The question was, Shall the bill pass notwithstanding the objections of the governor?

The ayes and noes were required, and the vote was: Ayes, 16; noes, 12; absent or not voting 4, as follows:

Ayes—Senators Bosshard, Glenn, Huber, Kellogg, Martin H. C.,

Monk, Randolph, Richards, Scott, Skogmo, Tomkins, True, Weigle, Weissleder, White, and Zophy—16.

Noes—Senators Ackley, Albers, Bichler, Bishop, Culbertson, Cunningham, Hustung, Linley, Martin A. E., Perry, Stevens, and Teasdale—12.

Absent or not voting—Senators Burke, Hoyt, Kileen, and Snover—4.

And so the senate refused to pass the bill over the governor's veto.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in amendment No. 2, S., and concurred in, as amended, No. **431, S.**, recalled from governor.

Has concurred in

No. **645, S.**,

No. **647, S.**,

No. **648, S.**, and

No. **649, S.**

And has non-concurred in

No. **646, S.**

The president appointed as committee on part of the senate under bill No. **487, A.**, Senators Tomkins, Huber, and Richards.

EXECUTIVE COMMUNICATION.

To the Honorable, the Senate:

The following bills originating in the Senate have been received, approved and deposited in the office of the Secretary of State:

No. **84, S.**,

Entitled "An act to repeal section 1087m—7; to amend subsection 2 of section 1087m—2, subsection 3 of section 1087m—2, subsections (a), (b) and (e) of section 1087m—3, subsections (a), (c) and (i) of section 1087m—4, subdivisions (d) and (e) of subsection 1 of section 1087m—5; to repeal subsection 2 of section 1087m—6 and to create a new subsection 2 of section 1087m—6; to amend subsection 1, subsection 4 and subsection 5 of section 1087m—10; and to create a new subdivision 6 of section 1087m—22, of the statutes, relating to the income tax."

Approved July 31.

No. 606, S.,

Entitled "An act to create sections 4944n to 4944z, inclusive, and subsections 54 and 55, of section 172—67 of the statutes, to establish a home for the custody, protection, training, and reformation of certain female offenders, and making an appropriation therefor."

Approved July 31.

No. 192, S.,

Entitled "An act to create section 1636—59 of the statutes, relating to the operation of vessels on waters of the state."

Approved August 1.

No. 256, S.,

Entitled "An act to appropriate a sum of money therein named to the state board of agriculture, and repealing chapter 392, laws of 1909, and chapter 570, laws of 1911."

Approved July 30.

No. 426, S.,

Entitled, "An act to repeal chapter 583, laws of 1911, and to create sections 990—40 to 990—60, inclusive, and to create section 172—31 of the statutes, all relating to the state board of public affairs, and making an appropriation."

Approved July 31.

No. 559, S.,

Entitled, "An act to create section 561jm of the statutes, relating to the prevention of criminality, insanity, feeble-mindedness and epilepsy."

Approved July 30.

No. 639, S.,

Entitled, "An act to amend sections 1455j and 1455k of the statutes, relating to cemeteries."

Approved July 30.

No. 286, S.,

Entitled, "An act to create section 2439m of the statutes; relating to phonographic reporters and their assistants taking statements of injured persons."

Approved July 30.

No. 461, S.,

Entitled, "An act to repeal section 1966—33a of the statutes, and to amend section 3783a of the statutes, relating to surety bonds in justices' courts."

Approved July 30.

No. 611, S.,

Entitled, "An act to create section 2339m of the statutes relating to marriage and venereal diseases."

Approved August 1.

No. 615, S.,

Entitled, "An act appropriating a sum of money therein named for alleviating and preventing injury to agricultural crops by the white grub and grasshopper pests."

Approved July 30.

No. 628, S.,

Entitled, "An act to amend section 925—255 of the statutes, relating to city improvements or contracts."

Approved July 30.

No. 633, S.,

Entitled "An act to create sections 172—1, 172—2, 172—3, 172—5, 172—7, 172—8, 172—9, 172—10, 172—11, 172—12, 172—13, 172—14, 172—15, 172—16, 172—17, 172—19, 172—20, 172—22, 172—24, 172—25, 172—26, 172—28, 172—30, 172—32, 172—33, 172—34, subsections 2 and 3 of section 172—37, sections 172—39, 172—40, 172—44, 172—46, 172—47, 172—50, 172—51, 172—52, 172—59, 172—60, 172—61, 172—63, subsection 56, section 172—67, sections 172—68, 172—69, 172—71, 172—72, 172—77, 172—85, 172—88, 172—89, 172—92, 172—93, 172—94, 172—98, 172—99, 172—101, 172—102, 172—105, 172—106, 172—114, 172—115, and 172—125 of the statutes, curative of former appropriations and making appropriations for the various state officers, departments, boards, commissions and other bodies therein named."

Approved July 31.

No. 440, S.,

Entitled, "An act to amend sections 2020 and 2024—58 of the statutes, relating to the commissioner of banking and mutual savings banks."

Approved July 31.

No. 512, S.,

Entitled, "An act to amend subdivisions (a) and (b) of section 4562e, subdivisions (1) and (2) of section 4563 and subdivision (7) of subsection 1 of section 4565c—5 of the statutes, relating to closed season for certain game, birds, aquatic fowl and muskrats."

Approved August 1.

No. 599, S.,

Entitled, "An act to refund to J. J. Blaine, J. E. McConnell, and C. A. Ingram their expenses as members of the legislative committee created by chapter 145 of the laws of 1911, and making an appropriation."

Approved July 31.

No. 616, S.,

Entitled, "An act to appropriate out of the state treasury to F. H. Grady and to George McDermott, or their assigns, respectively, certain sums of money."

Approved July 31.

No. 625, S.,

Entitled "An act to amend section 656 of the statute to court houses and other county buildings."

Approved August 2.

No. 631, S.,

Entitled, "An act to amend section 12 of chapter laws of 1913, relating to the county court of Monroe county."

Approved July 31.

No. 635, S.,

Entitled, "An act to amend section 1802c of the statute relating to track connections at railroad crossings within towns and villages."

Approved August 1.

No. 637, S.,

Entitled, "An act to amend section 959—35x of the statute authorizing cities to pay, under certain conditions, for roadways and constructing sewers."

*Approved July 31.

No. 638, S.,

Entitled "An act to re-enact section 747a of the statute chapter 338 of the laws of 1913."

Approved August 1.

No. 202, S.,

Entitled, "An act to create section 1092m of the statute relating to assessment and taxation of forest reserve lands, and an appropriation."

Approved August 2.

No. 339, S.,

Entitled "An act to amend subdivision 1 of section 4, subdivisions 1 and 2 of section 4, subdivision 1 of section 5, subdivision 2 of section 6, chapter 640, laws of 1911, and to amend subdivisions 3 of section 6, chapter 640, laws of 1911, authorizing the Chippewa and Flambeau Improvement Company to acquire, maintain, and operate a system of water reservoirs on the head waters of the Chippewa and Flambeau rivers and their tributaries."

Approved August 7.

No. 438, S.,

Entitled "An act to amend section 2949 of the statute relating to costs in the supreme court."

Approved August 2.

No. 454, S.,

Entitled, "An act to repeal section 1596a and sections 1 to 1596—76, inclusive, being part of chapter 652 of the laws of 1911, and to create sections 1596—50 to 1596—79, in the statutes, relating to the improvement of navigation of the Wisconsin River."

waters; to the construction, maintenance and operation of dams and other works necessary therefor; to the inspection of all dams and works and a fee therefor; to a survey of the navigable waters of the state; to the creation of special corporations for the improvement of navigation and the development of hydraulic power and hydro-electric energy for sale, and making an appropriation."

Approved August 4.

No. 560, S.,

Entitled, "An act to create sections 1753—48 to 1753—53, inclusive, of the statutes, relating to dealers in stocks and bonds and to the sale of stocks and bonds in the organization and promotion of certain corporations."

Approved August 4.

No. 617, S.,

Entitled "An act to amend subdivisions (a), (b), and (c) of subsection 75 of section 925—52 of the statutes, authorizing common councils of cities of twenty-five thousand inhabitants or more, to set aside districts for residential purposes and prohibit the erection and maintenance of factories and limit the location of places of business therein."

Approved August 2.

No. 620, S.,

Entitled "An act to repeal chapter 593, laws of 1913, and section 959—41n of the statutes, to amend section 959—46 and to create section 959—41p of the statutes, and to validate certain ordinances relating to police and fire commissions in cities of the fourth class."

Approved August 2.

No. 624, S.,

Entitled, "An act to amend subsection 1 of section 943 of the statutes, relating to the issue of municipal bonds."

Approved August 2.

No. 630, S.,

Entitled "An act to amend subdivision 4 of section 11 of chapter 549, laws of 1909, as amended by chapter 374, laws of 1913, and subdivision 1 of section 23 of chapter 549, laws of 1909, as amended by section 14 of chapter 425, laws of 1911, and as amended by section 2, of chapter 320, laws of 1913, relating to the civil court of Milwaukee county, and prescribing its jurisdiction."

Approved August 2.

No. 640, S.,

Entitled, "An act to amend subdivision (i) of subsection 4562d of the statutes, relating to elk."

Approved August 2.

No. 394, S.,

Entitled, "An act to amend section 2577 of the statutes, relating to holidays."

Approved August 7.

No. 583, S.,

Entitled, "An act to repeal section 19 of chapter 346 of the laws of 1897, making an appropriation for the state reformatory, and section 21 of chapter 368 of the laws of 1897, relating to building and loan associations; and to amend section 4978 of the statutes, repealing certain session laws."

Approved August 2.

No. 605, S.,

Entitled, "An act to confer upon levee commissioners power to condemn land for other purposes."

Approved August 4.

No. 621, S.,

Entitled, "An act to validate and legalize certain acts of officials of cities of the third class operating under special charter."

Approved July 31.

No. 220, S.,

Entitled "An act to create sections 959—78k, 959—78l and 959—78m of the statutes, to provide for the improvement of the water and harbor fronts of incorporated villages and cities situated on navigable water ways within the state of Wisconsin; for the acquirement, construction, maintenance, and operation of public docks and harbors, and for the acquirement by condemnation or otherwise of lands for same; to provide for the creation of a board to carry on such work and to regulate and control the construction, maintenance and operation of belt railways, wharves, slips, piers, basins, other water-front lands, and of all structures, equipment, and apparatus thereon, in said villages and cities; to provide for the authorization, issuance and sale of bonds and levying of a tax for carrying out the above purposes."

Approved August 8.

No. 548, S.,

Entitled, "An act to amend sections 1747e and 1747f of the statutes, relating to trusts, monopolies and restraints of trade."

Approved August 9.

No. 585, S.,

Entitled, "An act to create subsections 3 to 8, inclusive, of section 1087—11 of the statutes, relating to taxation upon transfer of stock, bonds, mortgages, or other securities of domestic corporations or foreign corporations owning property or doing business in this state."

Approved August 8.

No. 622, S.,

Entitled "An act to amend subsection 1 of section 2016 of the statutes, relating to commissioner of banking, term, deputy, qualifications."

Approved August 8.

No. 627, S.,

Entitled "An act to amend section 1338 of the statutes, relating to town highways."

Approved August 8.

No. 632, S.,

Entitled "An act to amend section 925e of the statutes, relating to the division between a town or towns and a village set off therefrom of the physical property of said town or towns."

Approved August 8.

No. 618, S.,

Entitled, "An act to revise chapter 51 of the statutes, relating to the taxation of certain public utilities and insurance companies and to transfer sections 1037a to 1037j, both inclusive, relating to the taxation of certain other public utilities from chapter 48 of the statutes to said chapter 51, and to revise and amend said sections."

Approved August 8.

No. 629, S.,

Entitled, "An act to submit to the people amendments to the constitution."

Approved August 8.

No. 626, S.,

Entitled, "An act to repeal sections 1042a, 1058a, 1077m, 1087—41, 1087—41m, and 1087—42 of the statutes; and to revise and amend sections 1042, 1042b, 1042i, 1051, 2057, 1057a, 1057b, 1057c, 1072a, 1077a, 1077c, 1077d, 1077e, 1077f, 1077g, 1077h, 1077i, 1077j, 1077k, 1077L, 1081, 1087—39, 1087—44, 1087—45, 1087—46, 1087—47, 1087—52, 1087—53, 1087—54, 1087—55 and 1087—56 of the statutes, relating to assessment of taxes and powers and duties of the tax commission,"

Approved August 8.

No. 641, S.,

Entitled, "An act to repeal sections 114, 115, 169, 287, 288, 288a, 289, 290, 291, 292, 293, 294, 295, subsection 10 of section 170, sections 20.90, 20.91, subdivision (2) of section 157 of the statutes and chapter 363 of the laws of 1913; and to amend section 288h, subsection 2 of section 2410a, section 172, and subsection 5 of section 2 of chapter 316, laws of 1909 and section 1 of chapter 25, laws of 1913 and subsections 22, 23 and 24 of section 172—53 and section 1966—38 and subsection 3 of section 406a of the statutes; and to create section 287 to 296 inclusive, subsection 61 of section 170, sections 172—18, 20.90, 172—35, subsection 61 of

section 170, subdivisions (2) and (14) of section 157, sections 382a, 563a, subsection 2 of section 172—11, sections 172—21, 172—23, 172—29, 172—26, 172—130, 172—131 and 168a of the statutes, curative of former appropriations for the various state officers, department and other bodies therein named; relating to the manner of furnishing supplies, services and printing to the various state officers, departments and other bodies; relating to other fiscal matters and providing a penalty.”

Approved August 7.

No. 623, S.,

Entitled, “An act to amend subdivision seventh of section 462 of the statutes, relating to the compensation to be paid clerks of school districts.”

Approved August 9.

No. 431, S.,

Entitled, “An act to repeal sections 697—60, 697—61, 697—62, 697—63, 697—64, 697—65 and 697—66 of the statutes, to create a new section of the statutes to be numbered section 697—60, relating to the issue of special improvement bonds by counties for the purpose of reclaiming land for agricultural use and to amend section 258 of the statutes, relating to the investment of the trust funds.”

Approved August 9.

No. 452, S.,

Entitled, “An act to revise and amend chapter 20 of the statutes, relating to the public printing.”

Approved August 9.

No. 642, S.,

Entitled, “An act curative of the statutes and session laws relative to revenues, expenditures, appropriations, administrative and accounting procedure; creating necessary sections, subsections, subdivisions and paragraphs and making necessary amendments and repeals.”

Approved August 9.

No. 515, S.,

Entitled “An act to correct errors in certain sections of the statutes, to repeal expressly certain sections of the statutes that have been either superseded or repealed by implication; to repeal certain sections of the statutes that are duplicates of other sections; and to renumber and relocate certain sections of the statutes that have been improperly classified.”

Approved August 9.

No. 645, S.,

Entitled “An act to amend subdivision (a) of subsection 1 of section 1317m—4, and subsection 1a of section 1317m—5 of the statutes, relating to county highways.”

Approved August 9.

No. **648, S.**,

Entitled "An act to correct an error in chapter 355, laws of 1913."

Approved August 9.

No. **649, S.**,

Entitled "An act relating to the distribution of the 1913 blue books."

Approved August 9.

No. **647, S.**,

Entitled "An act to amend section 968 of the statutes, relating to expense of removal of sheriffs, coroners, registers of deeds and district attorneys from office."

Approved August 9.

Dated Madison, Wisconsin, August 9th, A. D. 1913.

Respectfully submitted,

FRANCIS E. McGOVERN,

Governor.

[No. **548, S.**, reported in this message as approved, was previously received by the senate vetoed.]

REPORT OF SPECIAL COMMITTEE.

The joint committee, appointed under joint resolution No. 101, A., ask leave to report that all members of the committee have visited his excellency, the governor, and have been informed by him that he has no further communications to make to the legislature.

Respectfully submitted,

E. F. KILEEN,
TIMOTHY BURKE,
C. A. SNOVER,

On part of senate.

K. A. JOHNSON,
E. C. MELAND,
R. J. NYE,

On part of assembly.

August 9, 1913.

RESOLUTION INTRODUCED.

Jt. Res. No. 74, S.

Relating to final adjournment.

Resolved by the senate, the assembly concurring, That the legislature adjourn sine die, at 12:45 o'clock p. m. of this, the ninth day of August, 1913.

By Senator Huber. Adopted.

MESSAGE FROM THE ASSEMBLY.

By C. E. SHAFFER, chief clerk thereof.

Mr. PRESIDENT:

I am directed to inform you that the assembly has concurred in Jt. Res. No. 74, S.

RESOLUTION INTRODUCED.

Res. No. 35, S.

Correcting Senate journal of 1913 session.

Resolved by the senate, That the journal for this session be corrected as follows:

On page 64, under "Bills Introduced", change the name Senator "Burke" to Senator "Browne".

On page 257, under "Bills Ready for Third Reading", change the title of bill No. **110, S.**, to read as follows: "A bill to amend subdivisions 4 and 5 of section 3935 of the statutes, increasing the allowance of the family of a deceased person."

On page 361, under "Bills and Resolutions ready for Engrossment", insert after "No. **94, S.**", the following: "Amendment No. 1, S., adopted, ordered engrossed and read a third time."

On page 363, under "Message from the Assembly", insert after "No. **555, A.**", the following: "and has concurred in No. **168, S.**"

On page 398, under the committee report offered by the committee on Judiciary, insert after the recommendation following "No. **250, S.**", the following: "No. **382, S.**, indefinite postponement."

On page 439, under "Bills and Resolutions Ready for Third Reading", in the notation following "No. **249, S.**", change the number of the amendment offered by Senator Scott from No. 1, S., to "No. 2, S."

On page 441, under "Resolutions Introduced", change "Res. No. 23, S." to read "Jt. Res. No. 23, S."

On page 459, under "Message from the Assembly," insert after "No. **179, S.**," the following: "No. **39, S.**, No. **40, S.**, No. **191, S.**"

On page 523, in the committee report offered by the committee on judiciary, insert the following: "No. **103, S.**, adoption of substitute amendment No. 2, S., and passage."

On page 548, under "Committee Reports", insert after the report of the committee on judiciary, the following: "The special committee on highways report and recommend No. **373, S.**, adoption of amendment No. 1, S., and passage."

On page 574, under "Bills and Resolutions Ready for Engrossment", change the notation following "No. **398, S.**," to read: "Ordered engrossed and read a third time."

On page 611, under "Bills and Resolutions Ready for Third Reading", insert after No. **84, A.**, the following: "No. **144, A.**"

On page 697, under "Bills and Resolutions to be Ordered to a Third Reading", insert after "No. **464, A.**", the following: "Was refused concurrence."

On page 697, under Bills and Resolutions to be Ordered to Third Reading", change the notation following "No. **814, A.**," and "No. **1048, A.**," to "were severally non-concurred in."

On page 719, under "Bills and Resolutions to be Ordered to Third Reading", change the notation following: "No. **81, A.**," to "Laid over to 5-21."

On page 816, under "clerk's report", insert the following: "No. **228, S.**, No. **282, S.**, and No. **303, S.**, correctly enrolled at 7:30 o'clock, p. m."

On page 851, correct the heading "Bills and Resolutions Ready for Third Reading", to read "Bills and Resolutions to be Ordered to Third Reading".

On page 908, under "Bills and Resolutions Ready for Third Reading", after "No. **657, A.**", insert the following: "No. **736, A.**"

On page 922, after the notations under "Jt. Res. No. 56, S.", insert the following: "No. **62, A.**, A bill relating to the board of school directors in cities of the first class. Was read a third time, and passed."

On page 1014, under "Bills and Resolutions Ready for Engrossment," change "**497, S.**," to "**479, S.**"

On page 1114, following the notations under "No. **565, S.**," insert the following: "No. **583, S.**, read third time, and passed."

On page 1159, under "Committee Reports", change "No. **517, S.**," to "No. **571, S.**"

On page 1226, under "Bills and Resolutions Ready for Third Reading", change the statement of the question following No. **202, S.**, from "Shall the bill be concurred in?" to "Shall the bill pass?"

On page 1280, insert under "chief clerk's report" after "No. **635, S.**," the following: "No. **638, S.**"

By Senator H. C. Martin. Adopted.

CHIEF CLERK'S CORRECTION.

The chief clerk under rule 32, corrected bill No. **618, S.**, as follows:

In line 10 of subdivision (7) of section 2, change the word "transforming" to "transferring."

In line 3 of section 43, change section number "1222b" to "51.36".

The chief clerk, under rule 32, made the following corrections in the enrolled bill No. **641, S.**

Insert in line 5 of section 294, the word "to" after the word word "finish."

Insert in last line of section 294 after the word "subsection" the figure "2."

CHIEF CLERK'S REPORT.

The chief clerk records:

No. **226, S.,**

No. **431, S.,**

No. **452, S.**

No. **548, S.,**

No. **585, S.,**

No. **618, S.,**

No. **622, S.,**

No. **627, S.,** and

No. **632, S.,**

Correctly enrolled at 3:45 o'clock p. m., August 1, 1913.

No. **629, S.,**

No. **641, S.,**

Correctly enrolled at 11:30 o'clock a. m., August 4, 1913.

No. **623, S.,**

No. **626, S.,** and

No. **642, S.,**

Correctly enrolled at 2:30 o'clock p. m., August 7, 1913.

No. **515, S.,**

No. **431, S.,**

No. **645, S.,** and

Jt. Res. 55, S.

Correctly enrolled at 11:30 o'clock a. m., and

No. **647, S.,**

No. **648, S.,** and

No. **649, S.,**

Correctly enrolled at 11:55 o'clock a. m., August 9, 1913.

ADJOURNMENT.

Upon motion of Senator Huber,
President pro tempore H. C. Martin declared the senate of 1913
adjourned sine die.

APPENDIX I TO SENATE JOURNAL.

PROCEEDINGS OF THE SENATE

OF THE

STATE OF WISCONSIN

SITTING AS A COMMITTEE OF THE WHOLE

**Pursuant to Resolution No. 8, S., commencing
Wednesday, the 5th day of February, 1913, at
ten thirty o'clock, A. M.**

CONTENTS

DOCUMENTS.

Affidavit, Louis A. Anderson, page 149.
Affidavit, L. B. Nagler, page 149.
Appointment of Herman L. Ekern as Commissioner of Insurance, page 13.
Appointment of Louis A. Anderson as Commissioner of Insurance, page 15.
Complaint of H. C. Wilbur, page 36.
Communication from H. L. Ekern to Secretary of State, page 14.
Communication from H. L. Ekern to L. A. Anderson, page 21-22.
Governor's message, page 3-8.
Governor's communication to Secretary of State, page 14.
Governor's order of removal, certified copy of, page 23-24.
Notice of suspension of Mr. Anderson as actuary, page 20-21.
Opinion of Attorney General, page 16-20.
Order to show cause, page 37.
Resolution No. 8, S., page 1-3.
Request for opinion of Attorney General by Secretary of State, page 15.
Report of the committee of the Whole to the senate page 263-266.
Secretary of State's letter to the Governor, page 16.
Statement of expenses and salary of L. L. Johnson as Special Examiner for Insurance Department, page 255.
Telegram—Anderson to Ekern, page 224.

REMARKS.

Ackley, Senator, p. 86, 236.
Ackley, Senator, examination of H. L. Ekern, p. 144.
Ackley, Senator, examination of L. A. Anderson, p. 192.
Aylward, Hon. J. A., statement to the committee, p. 30, 32-36, 68-69.
Aylward, Hon. J. A., argument for Mr. Ekern, p. 242-255.
Bishop, Senator, examination of L. L. Johnson, p. 89-90.
Bishop, Senator, examination of A. F. Belitz, p. 105.
Bishop, Senator, examination of L. A. Anderson, p. 191-192.
Bishop, Senator, p. 235.
Bosshard, Senator, resolution engaging stenographic reporters, p. 8.
Bosshard, Senator, p. 9, 25, 32, 148, 213, 214, 215, 226, 228, 236, 260, 261, 263, 269.
Bosshard Senator, examination of A. F. Belitz, p. 97, 99.
Bosshard, Senator, examination of H. L. Ekern, p. 144, 146.
Bosshard, Senator, examination of L. A. Anderson, p. 193-195.
Bosshard, Senator, examination of N. P. Haugen, p. 217.
Bosshard, Senator, argument on minority report, p. 272-275.

- Browne, Senator, resolution to indefinitely postpone consideration of resolution No. 8, S., p. 8.
- Browne, Senator, p. 9, 10, 11, 25, 27, 28, 30, 31, 71, 72, 73, 86, 170, 171, 198, 199, 200, 201, 206, 207, 208, 226.
- Browne, Senator, resolution to postpone for one month consideration of Res. No. 8, p. 10.
- Browne, Senator, examination of L. L. Johnson, p. 90.
- Browne, Senator, examination of A. F. Belitz, p. 98.
- Browne, Senator, examination of N. P. Haugen, p. 221.
- Burke, Senator, p. 11, 12, 13, 69, 70, 148, 200.
- Burke, Senator, examination of A. F. Belitz, p. 96, 102, 109.
- Burke, Senator, examination of H. L. Ekern, p. 136.
- Burke, Senator, examination of H. C. Wilbur, p. 172.
- Burke, Senator, examination of L. A. Anderson, p. 175.
- Culbertson, Senator, motion to limit inquiry to the reasons for dismissal of the Commissioner of Insurance, p. 25.
- Culbertson, Senator, p. 29, 31, 214, 215, 216, 234, 262.
- Culbertson, Senator, motion to dissolve committee of the whole, p. 212.
- Cunningham, Senator, motion for committee to arise, p. 224.
- Cunningham, Senator, p. 225.
- Glenn, Senator, p. 255, 256.
- Husting, Senator, examination of A. F. Belitz, 106.
- Husting, Senator, p. 72, 225, 231, 269.
- Husting, Senator, examination of H. L. Ekern, p. 147.
- Husting, Senator, examination of H. C. Wilbur, p. 159-163.
- Husting, Senator, examination of L. A. Anderson, p. 184-191.
- Husting, Senator, examination of N. P. Haugen, p. 218.
- Husting, Senator, argument on minority report, p. 275-284, 287-288.
- Kileen, Senator, p. 93, 114, 223, 224, 230, 269, 288, 289.
- Kileen, Senator, examination of H. L. Ekern, p. 138, 142, 153.
- Kileen, Senator, examination of C. D. Rosa, p. 156-158.
- Kileen, Senator, examination of H. C. Wilbur, p. 163-165.
- Kileen, Senator, minority report, p. 268.
- Kileen, Senator, argument on minority report p. 269-272, 284-287.
- Linley, Senator, examination of A. F. Belitz, p. 95, 98, 100, 104, 110, 112.
- Linley, Senator, examination of L. A. Anderson, p. 192.
- Linley, Senator, examination of N. P. Haugen, p. 222.
- Linley, Senator, p. 256-260, 261, 262.
- Martin, Senator, (H. C.) p. 72, 73, 214, 215, 256, 260, 261, 262.
- Martin, Senator, examination of H. L. Ekern, p. 142.
- Martin, Senator, (A. E.) examination of H. L. Ekern, p. 146.
- Olbrich, Mr. M. B., argument for Mr. Ekern, p. 237-242.
- Randolph, Senator, p. 10, 13, 28, 29, 30, 31, 72, 73, 91, 215, 224, 225, 230, 256, 260, 261, 262, 263, 288, 289.
- Randolph, Senator, examination of A. F. Belitz, p. 94, 98, 100, 111.
- Randolph, Senator, examination of Mr. Beedle, p. 152.
- Randolph, Senator, examination of H. C. Wilbur, p. 159-165, 172.
- Randolph, Senator, examination of L. A. Anderson, p. 183, 191.
- Scott, Senator, p. 171.
- Skogmo, Senator, examination of A. F. Belitz, p. 97, 109.
- Skogmo, Senator, examination of N. P. Haugen, p. 221.
- Teasdale, Senator, examination of A. F. Belitz, p. 103.
- Tompkins, Senator, examination of A. F. Belitz, p. 99.
- Tomkins, Senator, minority report on behalf of Senator Brown, p. 267-268.
- Weigle, Senator, examination of H. C. Wilbur, p. 163.
- Zophy, Senator, examination of A. F. Belitz, p. 101.

CONTENTS

V

WITNESSES

Anderson, L. A. p. 175-212.
Beedle, Geo. E., p. 151.
Belitz, Arthur F., p. 91-116.
Clark, Frank L., p. 74-76.
Ekern, Herman L., p. 116-148.
Ekern, Herman L., recalled, p. 152-153.
Haugen, Nils P., p. 216-223.
Holmes, Fred L., p. 149-151.
Johnson, Miss Ingrid, p. 70-71, 73.
Johnson, L. L., p. 76-91.
Rosa, Charles D., p. 153-158.
Sims, Miss Mary, p. 67.
Wilbur, H. C., p. 158-170, 172-175.

PROCEEDINGS OF THE SENATE OF THE STATE OF WISCONSIN

Sitting as a Committee of the Whole,

Pursuant to Resolution No. 8, S.,

RESOLUTION NO. 8, S.

WHEREAS, There was transmitted to the senate on the fifteenth day of January, 1913, a communication by the governor submitting for the confirmation of the senate the appointment of Lewis A. Anderson as commissioner of insurance, vice Herman L. Ekern removed, and said appointment is now pending before the senate for confirmation, and a question has been raised as to whether there is a vacancy in said office of commissioner of insurance, and whether there has been any lawful removal; and

WHEREAS, It is charged that in the proceedings had in the making of said order of removal the governor acted without jurisdiction upon grounds not recognized by law, and that the official act of removal was not completed during the recess of the legislature, and that for these and other reasons said order is void; and

WHEREAS, It is further charged that the governor acted arbitrarily and without proofs, and that in the hearing before the governor the commissioner of insurance was not permitted to conclude his testimony, and that the governor refused to hear the testimony of material witnesses, including members of the legislature who demanded to be heard, and it is improbable that the full facts with relation to said matter will be developed in any action or proceeding in the courts relating to said matter; and

WHEREAS, The governor has appointed Lewis A. Anderson to temporarily fill the vacancy claimed to exist by reason of

such removal, and such appointment was not made during a recess of the legislature; and Lewis A. Anderson, on the twenty-first day of January, 1913, attempted to qualify under said appointment by the filing of his oath and bond, and attempted to take possession of said office temporarily, pending action on such recommendation by the senate; and

WHEREAS, Since the making of said order down to the present time Herman L. Ekern has continued to occupy said office of commissioner of insurance and discharge the duties thereof under the claim that the said order of removal is void; and it is charged that Lewis A. Anderson, while serving as actuary under and in the office of Herman L. Ekern, commissioner of insurance, secretly connived with Francis E. McGovern, governor, to be appointed to said office under said order of removal and to take immediate possession thereof; and it is charged that upon the refusal of Herman L. Ekern to vacate said office on the demand of Lewis A. Anderson, the said Lewis A. Anderson, aided by William L. Essmann, superintendent of public property, acting under the orders and direction of Francis E. McGovern, governor, without authority, attempted to batter down a door in the office of Herman L. Ekern, commissioner of insurance, and to seize and eject him from said office by force, and that such attempt only ceased upon the service of an injunction order obtained by the said commissioner of insurance; and

WHEREAS, The office of commissioner of insurance is of high rank and dignity and of great importance to the people of the state; and

WHEREAS, The questions raised with regard to such removal of the commissioner of insurance and the appointment of another person in his stead may be raised in like manner with regard to other commissioners and members of other important commissions, such as the railroad, industrial and tax commissions, and it is important that the law should provide a definite and uniform method of removal; and

WHEREAS, Intelligent and proper action on the part of the senate, justice to the said commissioner of insurance, and the public interest, require that all the facts and circumstances relating to such removal or attempted removal and filling of any vacancy in such office, should be fully made known;

Resolved, That the senate do, on Wednesday, the fifth day of February, at 10:30 a. m., resolve itself into a committee of

the whole for the purpose of making full inquiry into the following matters and reporting thereon to the senate:

1. The charges made to the governor in the proceedings for removal of the said Herman L. Ekern as commissioner of insurance.

2. The proceedings had before the governor upon said charges and any proceedings or action thereon had subsequent thereto.

3. The facts surrounding the appointment of said Lewis A. Anderson, and the proceedings had thereon and subsequent thereto.

4. All matters relating to any attempt to take possession of said office and to remove said Herman L. Ekern by force or otherwise.

Resolved further, That to secure an orderly and expeditious course of procedure, the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern, commissioner of insurance, be requested to appear by counsel and to present testimony; and that the presiding officer of the senate issue subpoenas requiring the attendance of the persons aforesaid, and of such other persons as designated by the aforesaid persons or by their attorneys.

Resolved further, That the chief clerk of the senate forthwith give notice to the aforesaid persons of the passage of this resolution.

By Senator Bosshard.

Adopted.

Before the Senate resolved itself into a committee of the Whole, the following message was received from the Governor, which was read by the Clerk:

STATE OF WISCONSIN,
Executive Office.

To the Honorable, the Senate:

Resolution Number 8, adopted by the senate late last Thursday, was presented to me Saturday morning. In response to the request that it contains I herewith transmit this message in conformity with the provision of the Constitution that authorizes the governor to "communicate to the legislature, at every session, the condition of the state, and recommend such

matters to them for their consideration as he may deem expedient."

Your resolution requests me, as governor, Mr. Wilbur, my executive clerk, Mr. Anderson, whom I have appointed Commissioner of Insurance, and Mr. Ekern, whom I removed from office, "to appear by counsel and to present testimony," and you direct the presiding officer of the senate not only "to issue subpoenas requiring the attendance of the persons aforesaid" but also of "such other persons as designated by the aforesaid persons or by their attorneys."

The import of your resolution is therefore that a trial be had before you as a committee of the whole of the matters involved in the removal of Mr. Ekern and the appointment of his successor. In substance you seek to make myself, my executive clerk and Mr. Anderson one of the parties to the trial, and Mr. Ekern the other party, and you invite each to appear by counsel, and present witnesses; and you offer the aid of process at state expense to require the attendance not alone of such witnesses as you may think may be of assistance to your committee but of such other witnesses as any of the parties whom you have designated or their counsel may desire to have called in support of what you virtually treat as a controversy between the persons whom you have requested to come before you.

In all proceedings relating to the removal of Mr. Ekern as Commissioner of Insurance and the appointment of Mr. Anderson as his successor I acted solely in my executive capacity and in the exercise of what I conceived to be my duty as the governor of this state. It must therefore be apparent to you that it is not competent for the senate or any committee thereof to review the proceedings thus had by a coordinate department of the state government. The responsibility of that department for what has been done is to the people and not to the senate or any of its committees. In the decision of one of its first cases (Attorney General ex rel. Taylor vs. Brown, 1 Wis. 513-522) the Supreme Court of this state, speaking upon the subject of the independence and separateness of the several departments of government, used the following language:

"The policy of our Constitution and laws has assigned to the different departments of the state government, distinct and different duties, in the performance of which it is intended that they shall be entirely independent of each other;

so that whatever power or duty is expressly given to or imposed upon the executive department, is altogether free from interference of the other branches of the government. Especially is this the case, where the subject is committed to the *discretion* of the chief executive officer either by the Constitution or by the laws. So long as the power is vested in him it is to be by him exercised, and no other branch of the government can control its exercise."

You are all aware moreover that a proceeding is now pending in the circuit court for Dane county, brought by Mr. Ekern, in which he seeks to prevent Mr. Anderson from taking possession of the office of Commissioner of Insurance; that in such proceeding each of the matters of your inquiry has been made the subject of affidavits and of argument presented to the court, and that such proceeding is now pending before that court for determination. If respect for the court in which the above proceeding is now under consideration were not sufficient to prompt me to decline your request that I or my executive clerk should appear before you by counsel, or present testimony before you, or otherwise participate in what you have assumed to make an attempted review of my action as the chief executive of this state, certainly regard for the dignity of the office of governor of this state demands that your request be declined. With due respect for your honorable body I must therefore refuse to participate in any hearing before you involving a review of my action as governor in removing Mr. Ekern and appointing Mr. Anderson. My action in this behalf was purely executive in character and I cannot submit to any examination by the Senate concerning it nor undertake to justify it to the Senate. So far as the hearing before me is reviewable at all the appeal should be made not to the Senate but to the courts.

Apart from the foregoing considerations, proper attention to the duties of my office will not permit me or my executive clerk to engage in any such protracted trial or hearing as that contemplated by your resolution.

I recognize your right to conduct a proper investigation calculated to aid you legitimately in the formulation of new laws and in the amendment or repeal of existing laws. But so far as executive aid along these lines is serviceable it would seem that the Constitution of the state has pointed the way in which it should be communicated to you: namely, by message from

the governor. It is manifest moreover that as to any legislation even remotely suggested by your resolution a review of executive action in the case of Mr. Ekern can furnish no legitimate aid; but were the fact otherwise the records in my office and on file with the clerk of the circuit court for Dane County, all of which are open and readily accessible to you, will serve every legitimate purpose that can possibly be accomplished by the hearing you propose.

I also recognize that incident to the exercise of the power of confirmation you have the right to inform yourselves concerning the qualifications of Mr. Anderson for the office of commissioner of insurance. But no review of executive action in removing Mr. Ekern can throw light upon this question. If Mr. Ekern was unlawfully removed, confirmation by you of Mr. Anderson can in no way affect the rights of Mr. Ekern or displace him as insurance commissioner. If, on the contrary, he was lawfully removed, no action under your resolution can make his removal unlawful or reinstate him. Thus the question of whether or not there was a vacancy in the office of commissioner of insurance when Mr. Anderson was appointed is not a matter that can properly come before the Senate in any view of the case. Only by a proper proceeding in the courts may the respective claims either of Mr. Ekern or of Mr. Anderson to this office be determined. An attempted review by you of the proceedings of removal not only trenches upon the executive department of government but will tend to embarrass rather than aid the judiciary in the ultimate determination of any question that may be presented to it. Hence, I feel that it would not be proper for me to participate in any attempt that may be made here to review what I did in removing Mr. Ekern or to countenance a proceeding which may be looked upon as calculated to influence or possibly coerce a coordinate department of the state government.

Thus to encroach upon the authority of the other two great branches of the state government cannot I am sure be your deliberate conception of "an orderly and expeditious course of procedure."

While it is unusual if not unprecedented for the governor of the state to be called upon to present to the Senate his views of the qualifications of one whom he has appointed to public office and whose appointment is pending in the Senate for con-

firmation, I respond to this subject of inquiry on your part by saying that the mere fact that I have appointed Mr. Anderson is probably the best testimonial I can give concerning my estimate of his fitness for the place. All the reports I have received concerning him indicate that he has the requisite ability, education, experience, training, and special fitness for the office to which he has been appointed. Not only has he not connived with me, as your resolution suggests, while serving as actuary in the office of the commissioner of insurance, to be appointed to said office, but the fact is that the appointment came to him without solicitation whatever on his part. He had nothing to do with the removal of his predecessor. No evidence, no suggestion and no opinion of any sort came to me from him directly or indirectly concerning the complaint against Mr. Ekern or the evidence by which it might be sustained. Indeed, for almost a year prior to the removal of Mr. Ekern and for some days afterward I had no communication of any sort whatever, direct or indirect, with Mr. Anderson. So far as I know no one can possibly be clearer than he of connection with the matters that terminated in the removal of Mr. Ekern. When the appointment was first offered to him by me a number of days after Mr. Ekern had been removed it was with the express injunction that the statute making the place non-political should be observed; and in response to this suggestion Mr. Anderson replied that this was the only condition upon which he would accept the place.

In regard to that portion of your resolution which recites that the "attempt to take possession of said office and to remove said Herman L. Ekern by force or otherwise" should be investigated, permit me to remind you that this is one of the elements of the controversy that has been presented by Mr. Ekern in the judicial proceeding now pending in the circuit court. It is no doubt within the knowledge of every member of the Senate that neither I nor my executive clerk personally know anything about what took place in the office of the commissioner of insurance, and that the respective claims of the parties to the existing litigation with regard to that matter constitute a part of the record in the office of the clerk of the circuit court for Dane county. Permit me to add however that I conceive it to be the duty of the chief executive of this state, if the office, books, records, or moneys of the state are withheld from

the proper custodian, to eject by force if need be him who unlawfully withholds them.

Every resolution and act passed by this honorable body should be entitled to the presumption of good faith. I have endeavored so to regard this resolution. But it has not been an easy task. As a single illustration of what I mean, it refers three separate times to Mr. Ekern as the present commissioner of insurance, although he has been formally removed by me as governor, and his successor appointed, who has duly qualified, and whose confirmation is now pending before you. I prefer to regard these averments as mere inadvertencies rather than as expressive of an intention to reflect upon the action of a coordinate branch of the state government. I am sure they do not represent that spirit of respect for the executive department of government entertained by the Senate as a whole.

Respectfully submitted,

FRANCIS E. MCGOVERN,

Governor.

February 5, 1913.

MORNING SESSION.

Senate Chamber, Madison, Wisconsin,

February 5th, 1913, ten o'clock, a. m.

Upon motion of Senator Randolph the senate resolved itself into a committee of the whole.

Senator Scott in the chair.

The following resolution was introduced by Senator Bosshard, and, upon motion duly made, was carried:

Resolved, That Welch & Carney, stenographers, of Milwaukee, be and they are hereby authorized to take the evidence and to make stenographic reports of such proceedings as may be had in the committee on the whole.

“Resolved, That the committee on the whole recommend that the senate appropriate out of the contingent fund of the senate a sum sufficient to defray the expense of said stenographic work.”

Senator Browne: I offer the following resolution:

“WHEREAS, A resolution known as resolution No. 8, S., which proposed that the senate do on Wednesday, the 5th of February,

10:30 a. m., resolve itself into a committee of the whole for the purpose of making full inquiry into the proceedings relating to the removal of Herman L. Ekern as commissioner of insurance and the appointment of Louis A. Anderson, and

WHEREAS, The only issue and inquiry is, who has the title or right to the office of commissioner of insurance, Herman L. Ekern or Louis A. Anderson, and

WHEREAS, Any action of the senate upon the resolution before it cannot affect this one issue, one way or the other, and

WHEREAS, The only way that this issue can be determined is by the courts in the proper proceedings, and

WHEREAS, Proceedings have already been brought and have been duly presented to the court, who now has the matter under advisement, now, therefore, be it

Resolved, That the consideration of said resolution No. 8, S., be indefinitely postponed.

The Chairman: The question is upon the adoption of the resolution as offered by the senator from the 21st.

Senator Bosshard: Mr. President, I move the resolution be laid upon the table.

The Chairman: The senator from the 32nd moves that this resolution be laid upon the table. Is the senate ready for the question?

Senator Browne: I rise to a point of privilege. I know a motion to lay on the table is not debatable, and I presume that is why the motion was made. This matter has gone along so far and every way conceivable to prevent any debate or discussion has been made, so this motion is probably in keeping with the mode of procedure formerly had along those lines, but I ask leave of the senator to withdraw that motion for just a long enough period so I can discuss the resolution I have presented here. I do that for the reason I was not present here before when this motion to go into the committee on the whole, resolution No. 8, was presented here, and only seventeen members of this senate were present, and today we have a full senate, and I think that this question, whether we should go into the committee of the whole and consider resolution No. 8, ought to be debated and discussed before this state goes and spends its money and takes up the time of this body here in going into an investigation that is going to take days and maybe weeks, a

matter which I believe this senate has absolutely no jurisdiction of.

I say this, Mr. President, not as a partisan of any side, but simply standing here as a senator in this body, and simply as a senator in this body, to ask for a procedure that is in keeping with the dignity of this body, and not turn it into a police court, and therefore I ask the right to discuss this, and ask the senator to withdraw that motion to lie on the table so this resolution can be fully discussed by all the senators.

The Chairman: The question is upon the motion of the senator from the 32nd that the resolution be laid upon the table. Are you ready for the question?

Senator Browne: Mr. President, I ask the ayes and noes upon it.

The Chairman: The ayes and noes are called for.

Senator Randolph: Mr. President, I rise to a point of order. The ayes and noes are not permissible in committee of the whole.

The Chairman: The point of order taken by the gentleman from the 15th will hold. Those in favor of the motion of the senator from the 32nd will say, "Aye"; those opposed, "No." The ayes have it and the motion is carried, and the resolution is laid upon the table.

Senator Browne: I have another resolution that I desire to offer.

The Clerk: The resolution, by Mr. Browne:

WHEREAS, A resolution known as resolution No. 8, which proposed that the senate do on Wednesday, the 5th of February, 10:30 a. m., resolve itself into a committee of the whole for the purpose of making full inquiry into the proceedings relating to the removal of Herman L. Ekern as commissioner of insurance and the appointment of Louis A. Anderson, and

WHEREAS, The only issue and inquiry is, who has the title or right to the office of commissioner of insurance, Herman L. Ekern or Louis A. Anderson, and

WHEREAS, Any action of the senate upon the resolution before it cannot affect this one issue one way or the other, and

WHEREAS, The only way that this issue can be determined is by the courts in the proper proceedings, and

WHEREAS, Proceedings have already been brought and have

been duly presented to the court, who now has the matter under advisement, now, therefore, be it

Resolved, That the consideration of said resolution No. 8, S., be postponed one month.

The Chairman: I would state to the senator from the 21st that this resolution will be out of order, because the committee of the whole is powerless to postpone this matter. Therefore the chair will be obliged to rule the resolution out of order at this time. What is the further pleasure of the senate?

Senator Browne: Mr. President, I appeal from the decision of the chair.

Senator Burke: It seems to me that the point raised by the chair is somewhat well taken, but I believe that this committee has a perfect right to adopt that resolution, or at least amend it in such a way that when the committee of the whole dissolves and gets back as a senate again that it will be up for their consideration, as to whether they want to adopt that resolution. Now, I think it is perfectly proper to consider whether this committee of the whole shall recommend to the senate whether that shall be adopted or not. I think the motion by the gentleman from the 21st is in order.

The Chairman: The question before the senate is, shall the decision of the chair be sustained, on the motion of the senator from the 21st. This motion will require the ayes and noes. The clerk will call the roll on the motion. Those in favor of the motion will answer aye; those opposed no.

Senator Ackley: Mr. President, those desiring in this instance to uphold the decision of the chair will vote no.

The Chairman: Will vote aye.

(The clerk thereupon called the roll with the following result:)

Ayes—Senators Ackley, Biehler, Bishop, Bosshard, Culbertson, Cunningham, Glenn, Hoyt, Huber, Husting, Kellogg, Linley, Monk, Perry, Randolph, Skogmo, Snover, Stevens, Teasdale, True, Weigle, White and Zophy—23.

Noes—Senators Browne, Burke, Kileen and Tomkins—4.

Absent or not voting—Senators Albers, Martin, A. E. Richards, Martin H. C., and Weissleder—5.

The Chairman: The result of the ballot is 23 ayes and 4 noes, and the decision of the chair is sustained. The senate is

now in committee of the whole. What is the further pleasure of the senate?

Senator Zophy: Mr. Chairman, I move that we proceed on the resolution as read.

The Chairman: Gentlemen, the senator from the 7th moves that we proceed under the resolution as read. Are you ready for the question? Those in favor of the motion will say aye; those opposed no. The ayes have it, and the senate will proceed under the resolution.

Senator Burke: Mr. President, what resolution does the senator refer to? No. 8?

The Chairman: Resolution No. 8, S.

Senator Burke: Now, Mr. President, I protest at this time to taking any further action under this resolution, on the ground, as I stated before, that if the charges as set forth in this resolution are true, that the proper body to investigate those charges is the assembly and not the senate. This is a constitutional provision, providing for an investigation of that kind by the senate, and then the senate resolves itself into a trial court, and I believe, Mr. President and Senators, that the trial court is the jury, and it is not within their province to convene and go out and seek witnesses and get testimony, and try the case, and if, upon investigation, all the charges as set forth in the resolution, No. 8, should be found by this senate to be true, and the lower house of this legislature should act upon it in the constitutional way, then the matter would be brought back to this house for the trial of the official misconduct as charged in resolution No. 8. Now, gentlemen, just see what a predicament a trial court, supposed to be impartial, would be in. Just see what opportunity and what chances an official that might be accused of wrongdoing would have in a body of this kind. Do you think for a minute that this body would be in a position to give an official a fair and impartial trial? Why, no. It has already resolved itself into an inquisitorial court. It has taken a stand on something that it ought to pass upon as a court rather than a grand jury or a court of inquiry.

The Chairman: Will the senator pardon me if I call his attention to the fact that the senate has just voted to proceed under the resolution.

Senator Burke: Why, I understand that, Mr. President. I am protesting against further proceedings.

(Laughter in the galleries.)

The Chairman: I will ask the galleries and those present to refrain from applauding. Let us proceed here with dignity.

Senator Randolph: I rise to a point of order. The senator is out of order. The motion has been carried that we proceed under the resolution, and now he is protesting.

Senator Burke: I claim, Mr. President, I have a right to protest every step of this proceeding.

The Chairman: The point of order by the senator from the 15th is well taken. The senate will proceed under the resolution. The first thing, Mr. Clerk, is—

Chief Clerk: Documents forwarded to the clerk under resolution No. 9, S., by the secretary of state.

First document: The appointment of the Honorable Herman L. Ekern to the office of commissioner of insurance.

UNITED STATES OF AMERICA—THE STATE OF WISCONSIN.

Executive Department.

To All to Whom These Presents Shall Come, Greeting:

KNOW YE, That reposing special trust and confidence in the integrity and ability of Herman L. Ekern of Whitehall, I, Francis E. McGovern, governor of the state of Wisconsin, have appointed and by these presents do constitute and appoint him 'Commissioner of Insurance,'

And do hereby authorize and empower him to execute and fulfill the duties of that trust according to his best discretion, for the term ending on the thirtieth day of June, 1915, unless the Governor of this State for the time being shall think proper sooner to revoke and determine this Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the City of Madison, this thirtieth day of June, in the year of our Lord one thousand nine hundred and eleven.

FRANCIS E. MCGOVERN.

By the Governor:

J. A. FREAR,
Secretary of State.

Received for Record 6/30/11.

A communication from the governor through his private secretary:

JANUARY 10, 1913.

HON. JOHN S. DONALD,
Secretary of State,
City.

My Dear Sir: This is formally to notify you that on the 8th day of January, A. D. 1913, at 11:50 a. m., Governor McGovern sustained certain charges that had been preferred against the Hon. Herman L. Ekern, Commissioner of Insurance of the State of Wisconsin, and thereupon issued an order, the original of which is on file in this office, removing forthwith the said Herman L. Ekern from the office of Commissioner of Insurance of Wisconsin. And the said order was served upon the said Herman L. Ekern, in person, at 11:59 o'clock a. m. on the 8th day of January, A. D. 1913.

Very truly yours,
DUNCAN MCGREGOR,
Private Secretary.

A communication from Mr. Ekern:

JANUARY 10, 1913.

TO HON. JOHN S. DONALD,
Secretary of State,
Madison, Wisconsin.

My Dear Sir: Please take notice that I am advised by counsel and believe that an order purporting to be made by the governor on the eighth day of January, 1913, purporting to remove me from the office of commissioner of insurance, is unauthorized and void, and that no papers should be filed or other action taken by you with respect to any such order, or based thereon, or upon any supposed vacancy in the office of commissioner of insurance resulting therefrom.

Very truly yours,
HERMAN L. EKERN,
Commissioner.

The appointment of the Hon. Lewis A. Anderson, as Commissioner of Insurance:

UNITED STATES OF AMERICA—THE STATE OF WISCONSIN.

Executive Department.

To All to Whom these Presents shall Come, Greeting:

Know YE, That reposing special trust and confidence in the integrity and ability of Lewis A. Anderson of Madison, I, Francis E. McGovern, Governor of the State of Wisconsin, have appointed and by these presents do constitute and appoint him 'Commissioner of Insurance' vice Herman L. Ekern, removed.

And I do hereby authorize and empower him to execute and fulfill the duties of that trust according to his best discretion for the term ending on the thirtieth day of June, 1915, unless the Governor of this State for the time being shall think proper sooner to revoke and determine this Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the City of Madison, this fourteenth day of January, in the year of our Lord one thousand nine hundred and thirteen.

FRANCIS E. MCGOVERN.

By the Governor:

J. S. DONALD,

Secretary of State.

Received for Record

1/14/13.

A request for an opinion of the Attorney General regarding the course to be pursued by the Secretary of State:

JANUARY 15TH, 1913.

Hon. W. C. OWEN,

Attorney General, State of Wisconsin,

Madison, Wisconsin.

My Dear Sir: Will you please advise this department what action to take or procedure to follow in the matter of the order of the Governor in the removal of Herman L. Ekern, Commissioner of Insurance, from office on the 8th day of January, 1913, and the appointment in his stead of Lewis A. Anderson on January 14, 1913.

Attached hereto please find copy of a formal notification to this office of the removal of Commissioner Ekern received on the

10th of January, 1913. Attached also is a copy of a notice to this office received on January 10th, 1913, from Commissioner Ekern that no papers should be filed or other action taken with respect to any such order by this department.

On this day a certificate of appointment of Mr. Lewis A. Anderson as Commissioner of Insurance vice Herman L. Ekern, signed by the governor, is presented to this office for the signature and seal of the Secretary of State.

Your opinion at your earliest convenience will be appreciated.

Very truly yours,
J. S. DONALD.

JSD—MEH
Enclosure.

A letter to the Governor advising him that the Secretary's signature to the order of appointment of Mr. Anderson was being withheld pending the opinion of the Attorney General:

JANUARY 15th. 1913.

HON. FRANCIS E. MCGOVERN,
Madison, Wisconsin.

Dear Sir: Owing to the controversy in the discharge of Commissioner of Insurance Herman L. Ekern, and the appointment of a successor, I feel constrained to withhold my signature as Secretary of State to the certificate of appointment presented by you to this Department, pending an opinion by the Attorney General. The matter has been submitted to him. A copy of my request for his opinion is enclosed.

Very truly yours,
J. S. DONALD.

The opinion of the Attorney General:

JANUARY 17, 1913.

HON. J. S. DONALD,
Secretary of State,
Madison, Wisconsin.

Dear Sir: This department is in receipt of your communication under date of the 15th inst. wherein you officially request an opinion as to what action you should take in reference to the notification received by you from the governor advising you of the removal of Herman L. Ekern as commis-

sioner of insurance, and also in reference to the certification of the governor certifying to the appointment of Mr. Louis A. Anderson as commissioner of insurance.

In reply thereto I will say that in my opinion a casual consideration of the duties of your office will point quite plainly to the answer to your question. Your office is that of secretary of state. You are the *secretary* of the state. The name of your office is in itself suggestive of your duties. The duties of a secretary of any organization are quite generally understood and it is in keeping with our general scheme of government that the duties of the secretary of state are not unlike those of the secretary of any other organization. It is almost universal that among other duties the secretary is required to keep the records of his organization and so the statute of our state, section 141, subdivision 1, provides that the secretary of state shall "keep a record of the official acts of the executive department of the state." Plainly this duty is purely ministerial and clerical. It matters not whether the act on the part of the executive be legal or illegal. So long as it is his act it is the duty of the secretary of state to keep a record thereof so that evidence of the same may be preserved in permanent form to the end that it may be given such potentiality and force as the law may ascribe thereto. It is no part of the functions of a secretary to pass upon the legality or illegality of the acts of the executive, nor is it within his prerogative to pass upon the acts of the governor which may or may not be given recognition upon the records of the state. Subdivision 2 of section 141 also provides that the secretary of state shall "keep the great seal and affix the same to and countersign all commissions and other official acts issued or done by the governor." This is simply in furtherance of the general idea that the secretary shall keep a record of the official acts of the executive and provide for their authenticity. The word "countersign" is defined by Webster to mean: "To sign on the opposite side of an instrument in writing, hence to sign in addition to the signature of another in order to test the authenticity." Hence you are not required to countersign the commissions or other official acts issued or done by the governor to signify that you either approve or disapprove of such act, but merely for the purpose of attesting to the genuineness of his signature and the great seal of the state is used for the same purpose.

"The public seal of the state or government proves itself and authenticates the laws of such state. So the courts judicially notice the great seals of foreign governments or sovereigns; in like manner where officers act under official seals such seals usually authenticate the official character of the persons and prove themselves, and courts take judicial notice of the seals of courts of sister states."

25 A. & E. Ency. of Law, p. 81.

The foregoing considerations clearly indicate that it is your duty to record all of the official acts of the executive as well as to countersign the same and affix the great seal of the state thereto; all of which is merely for the purpose of preserving an authentic record and enduring evidence of such official act. It is very plain that your refusal to properly record and countersign the act of the governor will not invalidate his legal action, nor will your complying with the requirements of the statute in this respect validate his illegal action. It simply does not affect the legality of his action one way or the other and you are therefore not called upon nor is it within your province to assume to exercise any discretion or supervisory powers over any of his official acts.

In this connection it is considered that the case of the State ex rel. Ackerman v. Dahl, 65 Wis. 510, is in point. In that case there was a vacancy in the office of treasurer of a school district who later was appointed to fill the vacancy and presented his bonds to the director and clerk of the district for their approval within the proper time. The director approved the same but the clerk refused to approve it or file the same in his office. The court says: "It is urged that, because the clerk of the school district refused to approve and file the relator's bond, the relator is not the treasurer of said district, and that there is still a vacancy in such office. We do not think such construction should be given to the law. The person who has been elected or appointed to an office, and who does all that is required of him by law to entitle him to hold the office, cannot be deprived of such office by any wilful or unjust refusal of the person or officer who is required to approve his official bond to give it his approval. If such a rule is to prevail, then the officer whose approval of an official bond is required may, in any case, by such wilful and unjust refusal, creat a vacancy in an office."

The case of State ex rel. Bienvenu v. Wrotnowski, Secretary of State, 17 La. Ann. Reprts., is a case involving exactly the same question under consideration here.

In that case the district court of New Orleans granted its mandate ordering Stanislas Wrotnowski, Secretary of State, to affix his official signature and seal of his office to the commission signed and issued by James Madison Wells, governor of the State of Louisiana, or, in default thereof, that the said Wrotnowski show cause to the contrary on Monday, the 11th day of May, 1865. Wrotnowski filed his answer to the relator's petition, and therein averred for reason why a peremptory mandamus should not be issued against him, as prayed for by the relators, that the commission referred to in the said petition was utterly null and void, and of no force, effect or validity whatever, because attempted to be issued by the governor without any warrant of law for so doing, and in direct violation of the constitution and laws of the State; that he cannot be compelled to lend the sanction of his name as Secretary of State, by countersigning such illegal commission and affixing the great seal of state thereto; that the office of sheriff of the parish of Orleans has been held since March 16, 1864, and is now held under a commission issued in pursuance of the laws and constitution of the State of Louisiana, by Alfred Shaw, which commission does not expire until the next regular election for sheriff, and that the governor is without any authority to supersede the said Shaw, as Sheriff aforesaid, by the appointment of the relator, and he prayed that the application of the relators for a peremptory mandamus be refused.

The court said: Divested of all extraneous, superfluous and irrelevant surroundings, what is the real question to be solved? We apprehend it to be this: Is the secretary of state, under the constitution and laws of the state of Louisiana, a mere ministerial officer, as regards the authorization by him of official acts; or is he, under the constitution and laws, vested with a discretionary and supervisory power, which enables him, before executing the functions by law imposed on him in this particular, to judge for himself whether such official acts as need his ministry are constitutional or unconstitutional, legal or illegal, and to affix or withhold from such acts, at his option, according to his discretion, his official signature and the impress of the great seal of the State? . . . The secretary of state is not

to suspend his action to inquire why and wherefore any appointment by the governor is made. His duty is plain; he is not directed, but ordered by law, to perform it. When commissions from the governor need authentication, he shall affix his official signature and the public seal of state, for these are official acts. Whatever improvidence or illegality there may be in the issuing of commissions, that concerns not him. His authenticating any official act can never compromise him; for he has no discretion to exercise regarding it. It is the duty of the governor to fill vacancies. In elective offices he cannot remove an incumbent; but the appointment to fill a vacancy does not operate a removal of the previous incumbent because no removal can so be made; the office is vacant, or it is not vacant; if it is vacant, it is properly filled by the last appointment; if it is not vacant, the first incumbent cannot be disturbed. What injury, then, could by any possibility result to the first incumbent by the new appointment, if it were illegally made? It would be to him *damnum absque injuria*."

It seems unnecessary to prolong this opinion further. I regard your duty in the premises to be clear and unequivocal. It matters not to you whether the order removing Mr. Ekern from office was legal or illegal and in giving this opinion that question has not been considered at all. It is your duty to file the appointment of Mr. L. A. Anderson sent to you by the governor, as well as the notice of removal of Mr. Ekern, counter-sign the same and affix the great seal of the State thereto.

Very truly yours,

W. C. OWENS.

Attorney General.

O/P

Notice from Mr. Ekern of the suspension of Mr. Anderson as actuary in the Insurance Department:

JANUARY 18, 1913.

Hon. J. S. DONALD,

Secretary of State,

City.

Dear Sir: Inclosed please find copy of notice suspending Mr. L. A. Anderson from his duties as actuary for the depart-

ment of insurance for the period of fifteen days, beginning January 18, 1913.

Yours truly,
HERMAN L. EKERN,
Commissioner.

JANUARY 17, 1913.

L. A. ANDERSON, *Actuary, Dept. of Insurance,*
c/o Modern Woodmen of America.

Rock Island, Illinois.

Dear Sir: As you are informed, the governor has sought for his personal political purposes to deprive me of the office of commissioner of insurance. I firmly believe and am advised by my counsel that he has no legal right to do this, and I am sure he has no right otherwise. As you know, since his pretended removal, I have continued to act as commissioner of insurance so that I am not only, as I believe and am advised, the regularly appointed commissioner, but I am also commissioner de facto. Ever since such pretended removal you have been and now are acting as my actuary. You were on duty in my office on Saturday of last week and as late as Tuesday evening, and the governor's action in this matter was discussed between us. At ten o'clock Tuesday evening you left the city. Within the half hour I was informed by a news correspondent that the governor had pretended to appoint you as commissioner of insurance in my place. In the morning the governor confirmed this by sending your pretended appointment as commissioner of insurance to the senate and the secretary of state.

I could not believe that any employe in my office, and especially one holding so important an office and with whom my relations had been so friendly, should be a party to the illegal and unwarranted action of the governor. Because I could not believe this of you, and desiring personal confirmation of the fact, I wired you on Wednesday morning:

"The governor this morning sent to the senate a communication purporting to appoint you commissioner of insurance. No intimation of this had been given me in our conversations on Monday or yesterday. Is this pretended appointment made with your knowledge and consent? Will you seek to obtain possession of the office under the pretended appointment? Wire immediate reply."

In your reply received yesterday you do not answer the direct question put to you as to whether the pretended appointment was made with your knowledge and consent, but your statement that you will accept the office if I am legally removed, coupled with the fact that in the present situation the governor would not seek to make an appointment without consultation with the appointee and obtaining his consent to act, convinces me that, while serving in my department under me and taking my orders after my pretended removal, and while in personal conference with me, and while discussing the governor's action, you were in secret consultation with the governor, planning and conniving with him to illegally and without cause, and solely for his personal purposes, to remove your superior and the head of this department from office and to place you in my stead. It was not to be expected that the governor of a great state would be a party to such proceedings, or that you would lend yourself to them.

The work of this department is of great importance to the people of this state, especially at the opening of the session of the legislature. Matters of great concern to the people of the state relating to work of this department will be up for consideration. Other matters of like importance are being initiated and worked out by this department.

Your action and present position in this matter makes impossible the co-operation and confidence between the head and the employes of a department so essential to efficient public service, and so destroys your usefulness and efficiency at present, and your presence here now could but impair the discipline and efficiency of this department, and prove of lasting injury to public service. I am also advised by my counsel that your presence in this office, under the circumstances, would endanger my resistance to the governor's unwarranted and illegal attempt to remove me as commissioner of insurance. Acting upon the advice of my counsel and for the protection of the work and efficiency of this department and of my rights as commissioner of insurance, you are notified that you are suspended from your duties as actuary of the department of insurance for the period of fifteen days, beginning January 18, 1913.

HERMAN L. EKERN,
Commissioner of Insurance.

Letter to Hon. J. S. Donald, Secretary of State, from Duncan McGregor, Private Secretary to the Governor, accompanying certified copy of the removal order and the return thereon:

JANUARY 18, 1913.

Hon. JOHN S. DONALD,

Secretary of State,

Madison, Wisconsin.

My dear Sir: Supplementing my letter of January 10, 1913, formally notifying you that Governor McGovern had removed Herman L. Ekern from the office of Insurance Commissioner. I am sending you herewith, by direction of the Governor, certified copy of the removal order and the return thereon.

Very truly yours,

DUNCAN MCGREGOR,

Private Secretary.

UNITED STATES OF AMERICA.

The State of Wisconsin.

Executive (Seal) Department.

To All to Whom these Presents Shall Come:

I, Duncan McGregor, Private Secretary to the Governor of the State of Wisconsin, hereby certify that the annexed copy of order for the removal from office of Herman L. Ekern, and the return thereon, has been compared by me with the original in this Department, and that the same is a true copy thereof and of the whole of such order and return.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Executive Privy Seal, at the Capitol, in the City of Madison, this 18th day of Jan., A. D. 1913.

DUNCAN MCGREGOR,

Private Secretary to the Governor.

UNITED STATES OF AMERICA.

The State of (Seal) Wisconsin.

Executive Department.

STATE OF WISCONSIN, } ss.
Dane County.

On the affidavit of Harry Curran Wilbur, dated the 7th day of January, 1913, and filed in this office on said day, charging that Herman L. Ekern, Commissioner of Insurance of the

State of Wisconsin, has been guilty of official misconduct and willful neglect of duty; and on due notice of hearing thereupon, duly served on said Herman L. Ekern together with a copy of said affidavit; the matter having come on to be heard before me, at 9 o'clock A. M. this 8th day of January, A. D. 1913, and after the hearing,

IT APPEARING, by satisfactory proofs, that the said charges are true,

IT IS ORDERED that the said Herman L. Ekern be, and he is hereby removed forthwith from the office of commissioner of insurance of the State of Wisconsin.

Done at the Executive Office, Madison, Wisconsin, at 11:50 o'clock, A. M. this 8th day of January, A. D. 1913.

(Signed) FRANCIS E. MCGOVERN,
Governor of Wisconsin.

STATE OF WISCONSIN, }
County of Dane. } ss.

William L. Essmann, being first duly sworn, on oath says that on the eighth day of January, A. D. 1913, at 11:59 A. M. of said day at the capitol building in the city of Madison, Dane County, Wisconsin, I personally served the within order of removal on the within named Herman L. Ekern by then and there delivering to and leaving with him personally a true copy of said order, and explaining to him the nature of the same; that I am personally acquainted with the said Herman L. Ekern and knew him to be the identical person named in the said order.

(Signed) WILLIAM L. ESSMANN.

Subscribed and sworn to before me this 9th day of January, 1913.

(Signed) Mary Louise Sims,
Notary Public, Dane County, Wisconsin.

STATE OF WISCONSIN, }
Department of State. } ss.

Received and filed Jan. 18, 1913.

L. B. Nagler,
Assistant Secretary of State.

That is all.

The Chairman: The Committee is now ready to proceed.

Senator Culbertson: Mr. President: Considering that the only information the Senate desires in this record is along the line of the confirmation of the appointment of the appointed officer by the governor, I would offer this motion:

That all statements made in this inquiry shall be made only in brief and confined to information stating for what reasons the commissioner of insurance was dismissed from service.

The Chairman: The Clerk will read the motion.

(The Clerk thereupon read Senator Culbertson's motion).

The Chairman: The Committee has heard the motion. Are you ready for the question?

(The question was called for.)

Senator Bosshard: Mr. President, I do not feel at this time that the senate should adopt the motion offered by the Senator from Outagamie. The scope of the inquiry I think is pretty carefully defined by Senate Resolution No. 8, under which we are now proceeding, and I consider that that resolution should furnish the guide for the proceeding in this case. Now, I agree with the senator from Outagamie that so far as possible every consideration ought to give way to making the proposed investigation as brief as possible, but yet at the same time the Senate is here in session, and desires full and accurate information upon this controversy, and, while the intention is not to unnecessarily prolong the scope of this inquiry, I feel we ought not, by motion or resolution, or otherwise, limit ourselves to a brief and narrow issue of the nature contemplated by the Senator's resolution. I think the issues defined by Senate Resolution No. 8 are limited and narrow enough, and are so drawn that the Senate, or the committee of the whole, by following the rule of procedure and keeping within the scope of inquiry provided by that resolution, will necessarily bring the hearing and the investigation to a fairly early close. I feel that we ought not to restrict ourselves at this time in the manner that the motion I feel does.

Senator Browne: I agree with the Senator from Outagamie county, in regard to the limits we ought to place on this investigation. The only issue, Mr. President, that I see before this body is the matter of confirmation of the insurance commissioner. Now, I do not think at this time that we are prepared

to go into any other issue. The question in regard to who has the title to this office is a narrow issue, is just as narrow an issue as it is as to who has the title to a piece of land. In the question of the title to a piece of land both parties come in with their record title. It don't matter anything about any other proposition about it. Who has got the title to it?

Now, this Senate can hear proceedings and hear evidence from now until doomsday, and when it gets through it cannot decide that one issue in this case, who has the title to this office. That matter has got to be decided at some time by a court of competent jurisdiction. Already one action has been brought in the courts of this state, and has been taken by the court under advisement. Now, if that issue is decided that one or the other has this office, then it will be time enough for this senate to come in and hear that one question, whether the party appointed is fit and qualified for the position.

Now, take for example Mr. Ekern here holds that he is entitled to that office. He has possession of that office. If Mr. Ekern's contention is right, then we are acting today upon the confirmation of Mr. Anderson and throwing our time away, because Mr. Anderson then has not been legally appointed. So you can see the absurdity this senate is going into when it goes and spends days and days, the way it will, the scope of this investigation reaching out in regard to a whole lot of irrelevant matters for us. Those matters may be relevant to a court which has that one question to decide, whether or not Mr. Ekern or Mr. Anderson has the title to that office. Those questions would be pertinent to a court, but they would not be pertinent to us, because after we hear this evidence, no matter how long it takes, we cannot render a decision and decide here that either one of these parties are entitled to that office. And that is the reason I think this ought to be, if it is going to be considered at all, narrowed right down to the question whether Mr. Anderson should be confirmed in his appointment. And then I would be opposed, as I introduced resolutions before being opposed to that, until we know he has been legally appointed. It seems absurd to me to even consider the confirmation of an officer whose right to that office is undetermined and whose right to it will be determined in the court, because as I say if Ekern is declared the Insurance Commissioner, the way he maintains he should be, and is in possession of the office, then

what have we got to do here? What are all these proceedings confirming Mr. Anderson's appointment when his appointment is illegal?

Now, that is the situation herè. I am not a partisan of any of these parties. I am just as good a friend of one as the other, and I do not know, if the merits of this case would come up before me, I do not know how I would vote upon it. If I was a judge and heard these facts, I would want to hear all the facts, but as a senator here, after I spend my time hearing them, after this senate is embroiled in the fight between these parties and the attending bitterness that will exist here, after we get all through, the question is: What can we do? We can't do anything. We can simply go out in committee of the whole and pass a resolution, and what effect has it? Absolutely void and of no effect because this senate hasn't jurisdiction to do anything. Who shall determine the title or right to an office is a matter for the court just as much as who owns a piece of land in an action of ejectment is a matter of decision by a competent court.

Now, this matter is in court now. If it is not in court sufficiently these parties can bring it in court. We have courts handy here, competent courts to decide this, but for this senate to go to the expense and time and have these matters interfere with these court problems we have got before us, I say, Mr. President, it is not in keeping with the work this legislature has been doing in the last ten or twelve years in the state of Wisconsin. I began when these proceedings were started here to protest against it. I did not protest because of any personal feelings towards any of these men. If you go to them personally, any of the men in this case, they will say I am absolutely friendly with every man on both sides of this controversy, and I would not shrink one bit from standing up here and deciding the rights of either of these parties, but I am not a competent person, and this senate is not a competent body.

The Chairman: The senate declares itself competent and we are now acting under instructions as a committee from the senate, and that is not a matter that should be discussed.

Senator Browne: I am discussing, Mr. President, the question of the limits of this investigation, whether it should be confined to the whole matter, or whether it should be confined to

the matter of Mr. Anderson's qualifications and his confirmation for the office as the motion of the gentleman from Outagamie provides.

The Chairman: I would also call the Senator's attention to the fact that the resolution defines the scope of the inquiry and the senate has already decided as to what facts shall be inquired into.

Senator Browne: The gentleman from Outagamie's motion is in order, isn't it, to limit that?

Senator Randolph: Mr. President.

Senator Browne: I am asking the president—

Senator Randolph: I am rising to a point of order.

The Chairman: State your point of order.

Senator Randolph: My point of order is that the Senator is out of order and the resolution offered by the senator from Outagamie is out of order, for the reason the resolution itself is before the house, and that has been declared in order. We must go along and follow the line of that resolution. If any more resolutions are introduced, that resolution being before the house, they are out of order.

The Chairman: May I ask the Senator from the 21st if he will allow the original resolution to be read by the Clerk, and perhaps we can arise and—

The Clerk: Omitting the "Whereas'", the resolution reads:

Resolved, That the senate do, on Wednesday, the fifth day of February, at 10:30 a. m., resolve itself into a committee of the Whole for the purpose of making full inquiry into the following matters and reporting thereon to the senate:

1. The charges made to the governor in the proceedings for removal of the said Herman L. Ekern as commissioner of insurance.

2. The proceedings had before the governor upon said charges and any proceedings or action thereon had subsequent thereto.

3. The facts surrounding the appointment of said Lewis A. Anderson, and the proceedings had thereon and subsequent thereto.

4. All matters relating to any attempt to take possession of said office and to remove said Herman L. Ekern by force or otherwise.

Resolved Further, That to secure an orderly and expeditious

course of procedure, the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern, commissioner of insurance, be requested to appear by counsel and to present testimony; and that the presiding officer of the senate issue subpoenas requiring the attendance of the persons aforesaid, and of such other persons as designated by the aforesaid persons or by their attorneys.

Resolved Further, That the chief clerk of the senate forthwith give notice to the aforesaid persons of the passage of this resolution."

Senator Culbertson: Mr. President, may I be allowed a few moments?

The Chairman: Yes.

Senator Culbertson: To look into this matter to its depths is perhaps the object of the senate, but that is not to say that we are going to listen to someone that is determined to throw flowers at himself in a long argument. The people of this state have respect for this senate, for the governor, and for the persons who are under consideration at this time. It is not the intention of the senate or the people of the state to have this thing misconstrued through a great long inquiry. I insist still that the motion I offered is in order, that this should be put in a brief form. Whatever evidence you want, take it, but put it in a brief form and not be construed here to cover two or three days or a week. It ought to be done in an hour and a half.

Senator Zophy: I would like to ask the senator whether "to be submitted in brief" does not mean "submitted in writing?" I object to that because there are a few questions in my mind that I wish to direct at the principals in this case, and upon which I depend for determining whether I shall be able to vote for the confirmation of the appointment of Mr. Anderson at this time or not, and that is the meaning. I take it, conveyed by your motion, Senator, to be submitted in brief, which is in writing.

Senator Culbertson: Not necessarily, in writing, but the questions be made brief and to the point.

Senator Randolph: Mr. President, I insist on my point of order being decided.

The Chairman: The Chair will rule that the committee has no right to go outside of the instructions stated in the resolution without going back to the senate and receiving new in-

structions. We will proceed strictly under the instructions as we have them from the senate, and we have no right to go outside of those instructions.

Senator Browne: Is the motion of the gentleman from Outagamie out of order then?

The Chairman: The motion is out of order under the resolution. The committee will proceed. The first thing in order, Mr. Clerk?

The Chief Clerk: Nothing further on the Clerk's desk.

The Chairman: I will recognize Mr. Aylward.

Mr. John A. Aylward: Mr. President and Senators: I do not know whether I have a right to address the Chair or the Senate, but, being in the committee, I presume I have. I would say that under that resolution Mr. Ekern was requested to appear by counsel, and we wish to have it noted that Mr. Ekern is here in compliance with that resolution, and that myself and Mr. Olbrich appear as counsel for him, and I would say that so far as we can see there is no reason in the world why whatever testimony we have to offer cannot be offered in a hour and a half or two hours, and I would like to say, simply by way of suggestion, that there is no proceedings in any court pending to determine the title to this office at this time, and no proceedings by which it can be determined, and further there isn't any legal proceedings known to Mr. Ekern's attorneys, and I think to the attorney on the other side, by which the facts in the case can ever be determined or got of record, unless it is in this proceeding. It cannot be done in any proceeding in court, and if Mr. Ekern is ever to have a hearing of record it must be had here or he cannot have one. That is our understanding of the law, but there is no danger whatever of taking days or weeks, or taking more than today with the hearing, I think, as far as we are concerned.

We are ready to proceed at any time the Chairman directs.

Senator Randolph: I move a recess until two o'clock.

The Chairman: The question is upon the motion of the senator from the 15th, that the senate take a recess until two o'clock. Those in favor of the motion will say aye.

Senator Browne: Wait a minute, Mr. President. I wanted to raise to a point of order.

The Chairman: You may state your point of order.

Senator Browne: That the motion to take a recess is out of order. Under the committee of the Whole the only thing that is allowable is a motion to rise. You cannot adjourn or take a recess.

Senator Randolph: I withdraw my motion for a recess, and move that the senate will now arise and report progress.

The Chairman: That the Committee?

Senator Randolph: That the committee do now arise and report progress.

The Chairman: You have heard the motion of the senator from the 15th. Those in favor will say aye; those opposed no. The ayes seem to have it.

Senator Culbertson: I do not think I understood what the motion was. I arose for the information before the vote was taken.

The Chairman: For the information of the Senator I will say that the motion was that the committee rise.

Senator Culbertson: What do I understand by that?

The Chairman: We go back into senate session. Is there objection— It is in order for the Chairman to report that progress have been made and the president pro tem will now take the Chair.

The President pro tempore took the Chair.

Senator Randolph: I move we take a recess until two o'clock.

Senator H. C. Martin: The Chairman wants to report from the committee of the whole that the committee of the whole reports progress. Now the Senator's motion is in order.

Thereupon, upon motion of Senator Randolph,

The senate took a recess until 2:00 o'clock p. m.

AFTERNOON SESSION.

Senate Chamber, Madison, Wisconsin.

February 5th, 1913, 2 o'clock, P. M.

The senate was called to order by the president.

Upon motion of Senator Randolph,

The senate resolved itself into a committee of the Whole.

Senator Scott in the Chair.

The Chairman: What is the pleasure of the committee?

Senator Bosshard: Mr. Chairman, I move that the committee proceed under the resolution previously adopted, under Resolution No. 8, senate resolution, and I suggest, on the part of the motion, that in order to have orderly procedure, as provided for by the resolution, that the complainant in the proceedings be given an opportunity of presenting his side of the evidence first, but the motion is to proceed under the resolution.

The motion prevailed.

Mr. Aylward: Mr. Chairman, if, as I understand from the message this morning, the governor does not wish to appear, I do not know whether Mr. Wilbur or Mr. Anderson care to appear or not in the matter. If so, I understand by a resolution that they were subpoenaed in the matter. Then I presume the record would show that both are present and do not care to take any part in the proceedings.

Before offering our testimony, if the Chairman and Senators please, I desire to say a few words in behalf of Mr. Ekeirn and his position here.

I want to say in behalf of Mr. Ekeirn that he welcomes this proceeding. That is without any reference to what the senate shall do or what action you shall take in the matter. He is glad that the senate has given him an opportunity to present the facts in relation to the matter. As I said this morning, that there shall be no misunderstanding, there is no proceedings in any court to try, or which can try or determine, the title to the office of Insurance Commissioner. The only proceedings that is pending in court is simply a proceedings against the governor as an individual, against Mr. Essman and Mr. Anderson, to restrain them from any further attempted assault upon the insurance commissioner, and to restrain them from any further attempt to tear down the old capitol building, or what is left of it. Now, that is the only proceeding there is in court. The attorneys on both sides concede that in that proceeding the court will give no intimation as to who is in the right or who is entitled to the office, or who is not.

Further, as I stated this morning, there is no proceedings under the law in this state, as we understand it, and as counsel for Mr. Anderson and Mr. Essman and the governor, and stated to the court, there is no proceedings that can be taken in any court

in this state by which the merits of the controversy can be examined into or can be tried. There is no proceedings known to our law by which the testimony of witnesses can be taken in this matter, so that Mr. Ekern welcomes this proceedings, because it is the only opportunity he can ever have to get under oath the testimony relating to the charges made to the governor by the executive clerk, to determine what the facts are and where the right of the matter rests. He welcomes it personally. He welcomes it too because it gives him a chance to vindicate his position and to bring before the people, not only the senators, but to bring before the people of the state, the entire proceedings in an orderly way.

The senate, under the message sent to it some time ago, is called upon to pass upon the question of the confirmation of the appointment, or pretended appointment, of Mr. Andersen. We submit that while it will take a few hours, yet we submit it is your right, not only your right, but we submit it is your duty to know the facts with respect to that appointment, that you may act intelligently when you vote upon the question of confirmation. So that if it takes a few hours we submit it will be time, or should be time, well spent. You have a right to know whether any officer, even the governor of the state, by crowding, and crowding, and crowding witnesses, and then refusing to hear other witnesses, can deprive the senate of its jurisdiction in the matter.

We will read the testimony of the proceedings before the governor, and it will appear from that that he was straining every nerve to oust this officer before twelve o'clock. Why? Because if the hands had pointed to twelve o'clock then he lost jurisdiction and the matter would have to be submitted in an orderly way to the senate, and we have a right to consider whether a man, a governor, can travel post-haste in order to close the doors upon this very body, as he says he was seeking to do. Not only that we submit but the people of the state have a right to know, and you have a right to give them the only hearing it is possible for the holder of the office to get under the laws of this state unless the assembly should investigate. It is the only way.

The people of Wisconsin are concerned with respect to this great office. They have a right to know if this great office of insurance commissioner is a mere pawn for some politician, I

don't care who he is, to play. The people of the state have a right to know whether the office of insurance commissioner is a mere cog in somebody's political machine. I am not referring to the governor at all because this might just as well have happened before McGovern was elected, or might have happened if someone else had been elected, but the people have a right to know if that is the situation and condition with respect to this great office, and big office, and if it is, as the law now stands, simply a pawn that any governor may play, or a cog in someone's political machine, then I submit it would be entirely proper for the senate to initiate legislation that would put a stop to that condition.

The people have a right to know all the facts. Pardon me the allusion—I use it simply because it conforms to the facts—this senate has the right to know, and the people have a right to know, whether when a man has been appointed to a great office, whether, under the laws of Wisconsin, the executive can use a crowbar to instal a man in a great office. Now, if that is true, then it will suggest to the senate, the wisdom of the senators, to initiate a law that will put a stop to that thing, because the claim here, as we understand it, is that once the governor appoints a man to an office that unless that man walks out like a schoolboy without any backbone, that then he has a right to take a crowbar and a jimmy and batter down the office, he has a right to batter down the door and take him out. Now, if that is so—you cannot do it with any county office in the state, you cannot do it with the sheriff. The law prescribes just what shall be done, and you cannot proceed in that way with the sheriff or any county office, and if the sheriff and the county officers have more rights in that respect than the insurance commissioners and the railway commissioners and the tax commissioners, then we submit that the senate ought to initiate laws that would stop that kind of proceedings and insist on an orderly proceedings and a legal proceedings to oust an officer.

Not only that, if the committee please, the people and this senate have a right to know if the governor of a great state makes such a farce, and, under the pretense of a farce—there isn't any other name which you can call it—can say "Well, I have found that the officer is guilty as charged and therefore I remove him," the senate has a right to know if, under the guise of a hearing, the presiding officer or governor can have

the order of dismissal or judgment of that court already written out before the hearing is started. The same as if the chairman of this committee would have the findings of fact already written out before he heard a word of the testimony. You have a right to know those things, and the people of the state have a right to know those things, and we charge that thing to be the fact. The people are not concerned in any petty quarrel between the governor and the commissioner. That is not it. This proceedings is far more far-reaching than that. If that is the fact you want to know it and the people want to know it, and you want to say that that thing shall not happen again, you do not care who is commissioner or who is governor, but you are concerned whether that thing can take place in the state of Wisconsin at all.

Now then, you have a right to know if this proceedings and this order was made in good faith or not. We submit under the decisions of our courts you have a right to know whether a pretended order of removal was made in good faith or not, and we believe that it was not made in good faith. You have a right to know with reference to the appointment which you are asked to confirm as a result of this proceedings. You have a right to know whether the gentleman who was certified to you, whether, as a clerk in the department of insurance commissioner, while acting as clerk and acknowledging that the commissioner was at least a de facto commissioner and taking his orders from him, was secretly, for days, conniving with the governor of the state of Wisconsin to oust the head of that department, and the people of the state have a right to know whether the governor of Wisconsin will secretly confer and connive with a subordinate in a department in order with him to oust the head of that department.

We submit that the facts will show that that was true I am sorry, very sorry, that His Excellency, the governor, has not seen fit to accept the invitation of the senate, or the subpoena of the senate, to come here, and if he has counter evidence against anything we have to offer, to meet that evidence, but, in his wisdom, he has made his choice, and no one will trouble him with respect to it, but I do not like to say these things when a man is not here to defend himself, and yet those things we submit under the evidence are true.

Your decision in the matter will determine whether in deal-

ing with officers of this kind, important, high, dignified, officers, the proceedings shall be orderly, whether they shall be conducted in good faith or not, and whether the laws of the state must be observed with respect to such removals or not, and we are glad to come in here where we can present our testimony fairly, and if anyone wishes to rebut it or question us with respect to it we will be glad to have them do it.

Mr. Chairman then we offer the complaint that was made against the insurance commissioner by Harry Curran Wilbur, and it is very short. I will take the time to read it now.

STATE OF WISCONSIN,)

) ss.

Dane County,)

HARRY CURRAN WILBUR, being first duly sworn on oath deposes and says:

That he is now and at all the times hereinafter mentioned was a resident elector of the city and county of Milwaukee, Wisconsin, that he is personally acquainted with Herman L. Ekern; that at all times since the 13th day of June, 1911, the said Herman L. Ekern was and still is the commissioner of insurance of the state of Wisconsin.

Deponent further says, upon information and belief, and charges the fact to be, that the said Herman L. Ekern is guilty of official mis-conduct and wilfull neglect of duty as such commissioner of insurance in this, to-wit:

That on and between the first day of January, A. D. 1913, and the 7th day of January, A. D. 1913, both inclusive, at the city of Madison, Dane County, Wisconsin, the said Herman L. Ekern did serve on and under the political committee and as manager of the political campaign, for one L. L. Johnson, who was then and there a candidate for the office of speaker of the assembly of the state of Wisconsin, contrary to the provisions of Section 1966 Y, of the Revised Statutes.

Senator Linley: What were those dates, please?

Mr. John A. Aylward: The first day of January and the 7th day of January, that he served on and under a political committee and manager of Johnson's campaign.

The said affidavit was thereupon marked "Ekern's Exhibit 1."

Now, the order to show cause that was issued with that:

"You are hereby notified that on the 8th day of January, A. D. 1913, at nine o'clock in the forenoon of said day, at the executive office in the capitol, in the city of Madison, Dane County, Wisconsin, I will hear and determine the charges preferred by Harry Curran Wilbur as set forth in his certain affidavit now on file in my office, a copy of which is herewith annexed, and thereupon make such order relative to your retention in or removal from the office of commissioner of insurance of Wisconsin as the facts may warrant. At which time and place you will appear and be heard in your own behalf.

FRANCIS E. McGOVERN,

Governor.

Dated at Madison, Wisconsin, this 7th day of January, A. D. 1913.

To Herman L. Ekern, Commissioner of Insurance, Madison, Wis."

Mr. Aylward: I simply offer, in that connection, this, if the Chairman please, the affidavit of William L. Essmann, showing that order to show cause made returnable at nine o'clock on January 8th, was served on the commissioner at 8:41 o'clock the same morning, thus giving him nine minutes for preparation.

The said affidavit of Mr. Essmann, was thereupon marked "Ekern's Exhibit 2."

Mr. Aylward: Now, if the Chairman please, we offer at this time the copy of the proceedings on this order to show cause, taken before the governor at his office pursuant to the order and notice and we will read them at this time.

HEARING BY THE GOVERNOR

Mr. Olbrich: (Reading.)

At a hearing held in the executive office this 8th day of January, 1913, before me, as Governor, to determine the charges preferred against Herman L. Ekern as commissioner of insurance for the state of Wisconsin by Harry C. Wilbur, as set forth in the written complaint herein, John A. Aylward and M. O. Olbrich appearing as attorneys for the Commissioner, who was present personally.

Governor: Now, Mr. Ekern and gentlemen, you have received copies of the charges and the notice of hearing? A. Yes, sir.

Mr. Aylward: Please, Your Excellency, I want to interpose at this point and say Mr. Olbrich and myself appear specially for Mr. Ekern and object at this time to any proceedings of this kind before the Governor for the reason that under the statute you have no right to proceed at this time. Under section 970 of the Revised Statutes, if I understand the purpose of this charge in the order to show cause, it is for the purpose of seeking to deprive the Commissioner of his office, and as I understand section 970 it provides that an officer, such as the commissioner, may be removed by the Governor upon satisfactory proofs at any time during the recess of the legislature and we contend at this time this is a legislative day; the law recognizes no part of the day; the legislature meets to-day at noon and that being true you have no right to proceed in this matter to deprive or seek to deprive the commissioner from his office, which you can do in this way only during a recess of the legislature.

Governor: The objection is overruled and the hearing will proceed.

Mr. Aylward: If the court please, I wish to make this of record. It is now 9:30 A. M. As I understand, this notice was served on the commissioner just a few minutes before nine. That has given him some thirty-five minutes to obtain counsel and given him no opportunity whatever to inform his counsel or for his counsel to be informed of what the charges are, whether they are true or not and has given him no time to interpose any defense in the matter at this time. The office of the commissioner of insurance is a practically co-ordinate branch of our state government. It is one of the most important that we have at the opening of the session of the legislature, where many matters of importance relating to the work of that department will be brought before the legislature, it has double importance and double significance and we submit that to force him on to hearing at this time would not at all comport with the dignity of the office of which it is sought to deprive him of the title. He is charged with wilful misconduct in office, which is a very serious charge if true, and he ought to have opportunity to make a proper showing before your Excellency. If Your Excellency

will consider, too, while the complaint here is signed by your executive clerk, I presume you would concede you were the moving spirit in the matter and that the same was instigated at your suggestion and request and it appears that the charges are founded on a conversation which you had with the commissioner yourself. As I am informed very hastily, the only witness in court is the witness you consulted yourself with respect to this matter. You are also sitting as a trial judge. Now, I submit to your consideration that possibly it may not be necessary, but I submit that the great office of Governor of Wisconsin and the reputation of it is at stake in this proceeding as well as insurance commissioner. Your Honor is a lawyer and you know that if a man was charged with stealing even the smallest amount of property, 10c worth, if he was charged with the smallest, most trivial violation of any criminal statute, if he was charged with having killed a yellow dog, he would be entitled to an opportunity to prepare his defense. If it were the most simple civil matter brought before a Justice of the Peace the law gives him absolutely the right to ask and to have an adjournment of ample time to obtain counsel and to advise his counsel of his defense and gather his witnesses. Now, we submit in a matter peculiarly of this importance, under the circumstances where you sit as court, as Governor of a great state, where you are the party complaining, you have caused the charges to be filed, where you yourself have gone out and secured the only witnesses in court, and by reason of the seriousness of the charge and the importance of public interest that the commissioner should be entitled to and should have a fair and reasonable opportunity to prepare to meet the charge which has been laid against him and for that reason we ask that you give us a fair reasonable amount of time in which we can be informed of the situation as his attorneys, and where we may have opportunity to be advised of his defense and to obtain his witnesses and to examine the law. Now, we don't ask for anything unreasonable but we do ask a fair and reasonable time because the interests, not only of your office, but of his office, and the interests of the state of Wisconsin, are at stake, and I question whether as district attorney of Milwaukee, your Excellency—

Governor: It is unnecessary to go into that, Mr. Aylward.

Mr. Aylward: We ask that you give us a fair, reasonable

time to appear, we will suit ourselves to your convenience at any time in the day or evening. We therefore ask that the matter may be adjourned for such reasonable time as will give us opportunity to prepare a reply. We haven't even had an opportunity as yet to file a statement.

Governor: The motion for adjournment to continue is denied. And I will say this, I don't see any purpose but you may take exceptions. Counsel has already questioned my power as Governor to act upon this matter is limited to a recess of the legislature. There will be no doubt that the legislature will have a recess and this hearing will terminate before that, and counsel, in asking for a continuance, puts himself in the contrary position and is inconsistent in asking me to adjourn the hearing—

Mr. Aylward: I submit, your honor—

Governor: This hearing will proceed and be concluded before twelve o'clock.

Mr. Aylward: Now, I am here to protect my client's rights and I presume whether it is determined or not will depend upon whether or not the testimony is closed at that time. We are in court, are we not? I have been before the Governor before.

Governor: Now, Mr. Aylward, if you think you are going to protract this hearing—

Mr. Aylward: Let it appear that the stenographer of the Governor is here to take this testimony, and Miss Lyons on behalf of the Commissioner. Do I understand we are not to have opportunity to present our witnesses?

Governor: I have ruled, Mr. Aylward.

Mr. Aylward: When any point comes up that I think ought to be presented to an impartial judge, I will present it, now don't you go wrong on that. I will present my rights as a lawyer. I understand that he is sitting as a judge. He is Governor of the state, acting as a judge, but he is not going to allow these proceedings to be interrupted. You needn't be afraid of that.

If the Court please, I don't know whether you wish to be called the "Court" or the "Governor;" it is elementary in every proceeding that counsel accused of a serious offense and sought to be removed from a high office shall have opportunity to file at least an answer to the charge. I want to know whether we shall have an opportunity to file that answer. I trust that

the Governor of Wisconsin will allow us the simple courtesy of filing an answer.

Governor: You may. You may draft it into the record here.

Mr. Aylward: We simply ask an opportunity accorded to the lowest criminal, that of filing an answer.

Governor: This is not a criminal action.

Mr. Aylward: Then the more reason to give us an opportunity for a few minutes to file our answer.

Governor: You are simply trying to delay this hearing. If you desire to dictate your answer into the record you may do so.

Mr. Aylward: Will you allow me to have a few moments conference with our client?

Governor; Yes, sir.

Hearing suspended while Mr. Ekern and attorney confer with reference to answer.

STATE OF WISCONSIN, } ss.
County of Dane.

Herman L. Ekern, being first duly sworn on oath, says he has read the affidavit to Harry C. Wilbur, annexed to the order to show cause and that he denies the charges made in said affidavit and alleges that he has at all time complied with Section 1966y of the Statutes of the State of Wisconsin and all other provisions of law relating to his duties as Commissioner of Insurance of the State of Wisconsin.

HERMAN L. EKERN.

Subscribed and sworn to before me this 8th day of January, A. D., 1913.

JOHN A. AYLWARD,
Notary Public, Dane County, Wisconsin.

MR. GIFFORD, being first duly sworn on oath was examined by Governor McGovern, and testified as follows:

Mr. Aylward: I suggest to your Excellency that it be entirely proper that the proceedings up to this time be read.

Governor: The suggestion is denied; it has been an open meeting all the time.

Mr. Aylward: I wish again to repeat as a matter of record that the commissioner has not had any opportunity to confer with his

attorneys or to confer with his witnesses or in any other way to prepare for this hearing. That he is obliged to go into the hearing without any preparation or consultation with his attorneys or his witnesses and is unable at this time to obtain the witnesses to properly present his defense.

Governor: Q. Mr. Gifford, you are a citizen of the city of Madison?

A. I am.

Q. You are proprietor of the Avenue Hotel?

A. Yes, sir.

Q. You know Mr. Herman L. Ekern, the Commissioner of Insurance of Wisconsin?

A. I do.

Q. How long have you known him?

A. A matter of six or eight years.

Q. Did you receive a telephone message from him on New Years day?

A. Yes, sir.

Q. What time of day was it?

A. In the neighborhood of noon or one o'clock.

Q. Will you state what was said at the time? State what Mr. Ekern said?

A. He asked me if the two rooms on the office floor were reserved for, I think Monday and Tuesday. I wouldn't be positive whether he said the dates at that time. I told him they were not. He said I want you to hold them; I want them for Monday and Tuesday of next week.

Q. That was the 6th and 7th of the present month?

A. Yes, Sir.

Q. Was anything said as to the purpose for which they were to be held?

A. No, sir.

Q. When did you learn first what purpose the rooms were to be put to?

A. On Monday.

Q. How did you learn?

A. Mr. Ekern told me they were for Mr. Johnson.

Q. Did he telephone or come to the hotel?

A. He came to the hotel.

Q. And by Mr. Johnson whom do you mean?

A. Mr. L. L. Johnson, candidate for speaker.

Q. Have those rooms been in use Monday and Tuesday?

A. Yes, Sir.

Q. In what way?

A. They were held as headquarters for Mr. Johnson.

Mr. Aylward: We object to the Governor, who is also conducting this examination, suggesting to the witness the answer to the question.

Governor: Mr. Gifford, what office, if any, did Mr. Johnson seek at that time?

A. He was candidate for speaker of the Assembly.

Q. What is the fact as to whether or not he was a member-elect of the assembly?

A. I suppose so.

Q. What conference did you have with Mr. Ekern Monday morning, the 6th?

A. Well, not any more than what I have said.

Q. What is the fact as to whether the rooms were fitted up in any way?

A. They were just as they always are. A sitting room and a smaller room off it. There were just a few more chairs added or I arranged to add more chairs but they never called for them. Nobody seemed to go into the rooms at all.

Q. At whose request did you put in the added chairs?

A. Mr. Ekern told me it might be necessary to have 30 or 40. He told me at his office the day after he had telephoned to me. I called at his office and asked him with regard to the furniture. He said it was all right, possibly a few more chairs could be added.

Q. What conversation did you have with him then concerning the purpose to which the rooms were to be put?

Mr. Aylward: I object to that.

Governor: Has anyone been in those rooms during those two days?

Mr. Gifford: How do you mean?

Governor: Anyone at all?

A. I couldn't say that anybody had been in the room. I don't know whether Mr. Ekern even went in. Mr. Johnson was there.

Q. By Mr. Johnson do you mean Mr. L. L. Johnson?

A. Yes, sir.

Q. When did Mr. Johnson first call there?

A. Monday morning.

Q. Alone or with someone?

A. I am not sure whether he was accompanied by Mr. Ekern or not. I couldn't say whether he was alone or not or whether there was anyone standing outside, I don't know.

Q. What is the fact as to whether Mr. Johnson was present when you had your conversation with Mr. Ekern the second of January?

A. No he was not.

Q. When again did you see Mr. Ekern?

A. Not until Monday morning.

Q. And you have given the substance of the conversation you had with him at that time?

A. Yes that is all the conversation there was.

Q. And did you see him afterward that day?

A. No, I haven't seen him from that time until here this morning.

Q. Didn't you see him Monday evening?

A. I don't recall seeing him since.

Q. What is the fact as to whether those rooms were open yesterday and Monday as a headquarters? Were the rooms open—

Mr. Aylward: I object to the question as calling for a conclusion as to whether open for headquarters or not.

Q. Have the rooms been paid for?

A. No, sir.

Q. Are they closed now?

A. Yes, they were closed last night. Mr. Johnson telephoned about ten o'clock and told me to close them and he would call today and settle for them.

Q. You had other political headquarters in your hotel?

A. Yes, sir. Mr. Nye was there.

On cross examination, by Mr. Aylward, Mr. Gifford testified:

Q. When did you learn, Mr. Gifford, that you would be desired as a witness here?

A. Why I haven't been told that I would be used as a witness.

Q. Who was it consulted you with respect to your transactions with Mr. Ekern? Who interviewed you with respect to it?

A. The Governor requested me to call and see him last Monday.

Q. And requested you with respect to the testimony which you have now given?

A. Yes, sir.

Q. When was that?

A. Monday evening about nine-thirty.

Q. Called you to his office for that purpose?

A. The Colonel—

Q. If I understand you, Mr. Gifford, all there was to it was that Mr. Ekern telephoned you and asked you if those two rooms referred to were in use or not?

A. Either in use or reserved for those days.

Q. You told him they were not?

A. Yes, sir.

Q. He asked you to hold them?

A. Yes, sir.

Q. Mr. Ekern had used those before, those two particular rooms?

A. I think Mr. Ekern had used them; they had been used as headquarter rooms.

Q. That was all that occurred at that first meeting?

A. Yes, sir.

Q. The next morning you went to his office?

A. Yes, sir.

Q. And you asked him what changes or what furniture he wanted in the room? Was that it?

A. Yes, sir. He said he didn't think it would be necessary to change anything but thought it would be well to arrange for a few more chairs.

Q. That is all there was of the second conversation?

A. Yes, sir.

Q. Following that did you see him or speak with him a third time?

A. Not until Monday morning. He called and told me the rooms were for Mr. Johnson.

Q. He didn't pretend to make any arrangements or suggestions or do anything further than you have related?

A. Nothing more.

Q. Following that you say Mr. Johnson dropped in and took the rooms?

A. Yes, sir.

Q. All that Ekern did then was simply to have you hold them until Johnson came, told you to hold those particular rooms?

A. He said they were for Mr. Johnson.

Q. And Johnson came in and made whatever arrangements were necessary with you?

A. Yes, sir.

Q. And you say so far as you know no one used those rooms?

A. Except when Mr. Johnson went back with me to look them over.

Q. So aside from Mr. Johnson no one has used the rooms in any way?

A. No, sir.

Q. Mr. Ekern didn't say to you or lead you to infer that he was chairman of any political committee or the manager of any political campaign or that he was the manager for any party?

A. No, sir.

Governor: That question will not be answered.

Mr. Aylward: Is the Governor acting as counsel and conducting the hearing?

Governor: I do not wish my rulings debated upon.

Mr. Aylward: The highest courts sometime err and the highest courts are willing to have the matter of the ruling discussed.

Governor: Please understand me; I have ruled that question will not be answered for the reason that it calls for a conclusion.

Mr. Aylward: Or he didn't say to you, Mr. Gifford, that he was the manager of any campaign?

A. No, sir.

Q. Or leave that inference with you did he?

A. No, sir.

Q. You assumed it was simply an act of courtesy on his part?

A. I looked upon it as his engaging the rooms for some other party.

Q. You didn't charge the rooms to him?

A. No, sir.

Q. You didn't charge them to any chairman or to any party or any campaign?

A. No, sir, No charge was made for the rooms until Mr.

Johnson occupied them on Monday and told me he would pay for them.

Q. That is all you mean by being occupied?

A. Yes, sir.

Q. He didn't suggest or broach Johnson's candidacy to you in any way?

A. No, sir.

Q. You have told all and everything that occurred?

A. Yes, sir.

Q. Did Mr. Johnson so far as you know have any committee?

A. I didn't see a sign of anyone.

Q. Did Mr. Johnson have any manager?

A. Not that I know of.

Governor: Mr. Gifford, let me ask you whether you did not say to me, just to refresh your memory, that Mr. Ekern had been over to your hotel?

Mr. Aylward: I object to the court and counsel attempting to cross examine his own witness.

A. I think he stepped in there just for a minute that night, passed through and went out. If I told you so that night it was fresh in my mind and it was so. If he was there it was only for a second or two.

Mr. Aylward: You have no recollection of any such thing?

A. My impression is he was in the hotel just for a moment. Now, I remember, he was called on the telephone and was told he was not there and in a very short time he came in and I said to him: "You were called on the telephone and I said you were not here." He says, "If they call again tell them I have gone to my office."

Governor: That was Monday night at what hour?

A. About 8:30 or 8:45.

Mr. Aylward: In the office of the hotel?

A. Yes, sir.

Q. Telephoned in the office of the hotel?

A. Yes, sir.

Q. Nothing suspicious about that was there?

A. No, sir.

Governor: When did you first understand these rooms were first to be used as headquarters?

Mr. Aylward: I object.

A. I knew they were to be used for something.

Q. How about the conversation you had on the second of January?

A. He didn't say for what purpose they were to be used, whether a committee meeting or something holding a—

Mr. Aylward: A prayer meeting.

Q. What was your understanding?

Mr. Aylward: I object to that.

Governor: How frequently have those rooms been used as headquarters?

A. Most every session of the legislature; somebody uses them as headquarters, committee meeting and other purposes.

Mr. Aylward: Used for many different purposes during the year.

A. Yes, sir.

Governor: I think that is all.

HARRY C. WILBUR, being first duly sworn on oath was examined by the Governor and testified as follows:

Q. Mr. Wilbur, you are executive clerk in this office?

A. Yes, sir.

Q. You know Mr. Ekern the Insurance Commissioner?

A. Yes, Sir.

Q. Were you present in this room Monday evening at in interview between Mr. Ekern and myself?

A. Yes, Sir.

Q. Will you state now what was said at that time?

Q. Mr. Ekern came into the room and you stated that you wished to discuss the speakership question with him. He said he had just been talking with Mr. Hull and Mr. Hull had claimed that he had the caucus nomination to a certainty. You replied that must be a pleasant feeling for any candidate and asked for Mr. Hull's feeling toward Mr. Ekern, and asked Mr. Ekern if he didn't think he was hostile. You said is that because he believes you are supporting Assemblyman Johnson's candidacy? Mr. Ekern replied that it was. You said what is the fact in that regard? Mr. Ekern said he favored the candidacy of Mr. Johnson and then added, and Dr. Goff. You then asked him what there was in the rumor or report that he had rented rooms in the Avenue Hotel to be used as political headquarters for Mr. Johnson. He said he had. You asked him if it was true that he had talked the speakership question over with different members of

the assembly and had made the statement that there was a contest in this state between yourself and Senator La Follette and that members of the Assembly in the speakership contest must stand for or against the Senator or for or against you and that he replied—

Mr. Aylward: I object to that—

A. He said that was true. You then asked him if it was true or not that he had made the statement to the different members of the assembly. He said that was true. You then stated that there was no fight on or contest between yourself and Senator La Follette, save a fictitious contest that was being used for political purposes by certain men and for personal reasons. Mr. Ekern said he was glad to hear that. You then told him that under the statute under which he was appointed commissioner he was to refrain from political activity and that you insisted that he so refrain, that he close the headquarters which he had opened in the Avenue Hotel and that he refrain from further participating in the contest of the speakership. Mr. Ekern stated Mr. Johnson had those headquarters and he did not know what Mr. Johnson would do about the matter. You stated you were not asking what Mr. Johnson was going to do about the matter you simply insisted that he that night should close those headquarters. That there was but one Governor in this state and his office was in the east wing of the capitol and not the north wing and Mr. Ekern got up and said he would endeavor to comply with your request.

Mr. Aylward: Did you make a written statement of what occurred at that time or since?

A. No, sir.

Q. I notice that the charges here are signed by you?

A. Yes, Sir.

Q. Did you talk this matter over with the Governor before you made these charges?

A. How do you mean talked it over?

Governor: You need not answer that question. He is my clerk. Of course he talked it over.

Mr. Aylward: That is what I thought and I don't see why he should object to saying so.

Q. And were the charges made at the request of the Governor?

Governor: You need not answer that question either.

Mr. Aylward: I want it ascertained—the only question in

this hearing is whether the charges are true. I simply want to get the facts as to whether you made the charges and then act as prosecuting attorney and then sitting as Governor trying the charge.

Governor: You need not answer the question.

Mr. Aylward: Do you know Mr. Wilbur who caused the charges to be made?

Governor: You need not answer the question.

Mr. Aylward: Is your knowledge of the facts set forth in the charges based on the testimony you have given now?

A. I stated in my charges on information and belief.

Q. I asked you whether the charges you have made are based on the testimony you have given now?

A. That and additional information.

Q. You charge here Mr. Wilbur, that Herman L. Ekern did serve on and under the political committee of one L. L. Johnson. Did Mr. Johnson have a political committee?

A. I was conforming to the wording of the statute.

Q. You swore to this didn't you?

A. I did.

Q. Did Mr. Johnson have a political committee?

A. In the sense of the form of organized committee I don't know.

Q. Did he have a political committee as you understand the statutes?

A. In the sense that he had men working together to advance his candidacy, yes.

Q. Not that he had a political committee but that there were men friendly to him?

A. That he had a political committee as generally understood.

Q. When you swore to that fact who else or who composed that committee?

A. Mr. Ekern was the most active.

Q. Who else was on it?

A. Assemblyman Holmes looked very active for one. I don't know definitely of anyone else.

Q. You didn't understand they were constituting a political committee?

A. They were acting as a committee for the candidacy of Mr. Johnson.

Q. That is all you meant?

A. I meant just exactly that.

Q. You say contrary to the provisions of 1966y, what do you refer to these?

A. The section I think it is subsection 3 of Chapter 485 relating to the office of commissioner of insurance making it appointive.

Q. Do you know whether any statement or any account of any kind was filed as required by law if Mr. Johnson had a political committee? Did you seek to find out?

A. No I did not.

Q. You understand the law, that if a candidate for any office has a political committee it was necessary to make report of the same?

Governor: You don't need to answer that question.

Mr. Aylward: What was the wilful negligence of duty that you refer to in your complaint?

A. The violation of the statute I set up.

Q. What wilful negligence of duty do you refer to?

A. In being very active if not handling the campaign of L. L. Johnson.

Q. What duty had he neglected as Insurance Commissioner? What had he failed to do?

A. I am not sufficiently informed of the work in his office to say.

Q. Had you seen him devoting any time of his office to this campaign?

A. No, sir.

Q. Had you of your own knowledge known of his devoting any time?

A. Not my own knowledge beyond what he stated here.

Q. All the knowledge you had then was what he had said up here?

A. I stated a while ago I had additional information.

Q. What neglect of duty?

A. His support in the candidacy of L. L. Johnson.

Q. And I presume you refer to the same thing when you charge him with misconduct as commissioner?

A. Yes, sir.

Q. You don't know of anything as insurance commissioner or any duty or any work that he has neglected in any way?

A. No, sir.

Q. You say Mr. Wilbur that Mr. Ekern came to the Governor's office Monday evening. Was he sent for?

A. I telephoned for him.

Q. And was it arranged at that time the purpose for which he was coming or for which he was sent?

A. The governor simply stepped out of this office and asked me to telephone Mr. Ekern to come over.

Q. And when he came the question was asked with respect to whether he favored any candidate for speakership was it?

A. Yes, sir. Just about as I stated in that order.

Q. And he said that he favored Mr. Johnson or Dr. Goff.

A. He said he favored Mr. Johnson and after a little interval of time or Dr. Goff.

Q. Did you understand when you made this charge against him that it was neglect of duty or constituted misconduct in office if he had a choice or favor among the candidates?

A. Not if he had a choice.

Q. So that it didn't consist in merely having a choice?

A. No, sir.

Q. And when he talked to the Governor at that time he had a choice between two men, Mr. Johnson and Dr. Goff?

A. He favored Mr. Johnson and—Dr. Goff. That is what he said.

Q. It was Johnson or Dr. Goff?

A. He favored the candidacy of Mr. Johnson then after an interval of time or Dr. Goff.

Q. You say then that the governor asked him if he had rented rooms or rooms for headquarters for Assemblyman Johnson?

A. Yes, sir.

Q. You testified a moment ago that the Governor asked him if he had rented rooms for headquarters and now you say if he had rented rooms for headquarters for Assemblyman Johnson?

A. I think I said that at the time. Then came up the question of some political controversy between the Governor and the Senator. The Governor asked Mr. Ekern if he had made the statement that there was such conversation. After Mr. Ekern admitted he had made such statements the Governor assured him there was no contest on.

Governor: This is not material testimony.

Mr. Aylward: It was material on direct; it is material on cross examination.

Q. The governor assured him there was no fight or dispute of any kind?

A. The word fight was what was used.

Q. And Ekern said he was glad of that?

A. Darn glad of that or darn glad to hear it.

Q. That didn't refer to any misconduct?

A. It did not.

Q. And the fact that he stated to the governor that he felt friendly to the Senator is that one of the things?

Governor: You need not answer that.

Mr. Aylward: I assume you will grant the privilege of cross examination.

Governor: On anything that is material.

Mr. Aylward: I assumed it was material because you brought it out.

Q. And the Governor said there was no contest except a fictitious contest for personal reasons?

A. Which was being augmented by certain individuals to satisfy personal reasons.

Q. Did he say to Ekern he was the party referred to?

A. He did not. I don't think he made any reply whatever.

Q. Then there was no misconduct in that was there?

A. No, sir.

Q. Do you remember in that conversation that the Governor said that when the Senator was Governor that he would not interfere in any way with the question of speakership?

A. I don't recall.

Q. Was there any talk of that kind Mr. Wilbur?

A. There was some conversation of that kind but it is not definite just what that was. It hinged—the general hinging was as to whether or not the Senator was interfering.

Q. Who brought it up?

A. I don't know.

Q. So it was talked between the Governor and Mr. Ekern at that time as to whether the Senator, referring to Senator La Follette was interfering in this speakership contest?

A. It wasn't limited to the question who was, it was very general.

Q. So that the matter of the Senator interfering was in the discussion at that time?

A. It was a question.

Q. And the matter of any conflict or contest or dispute between the Senator and the Governor was discussed?

Governor: You need not answer that. I have ruled on that.

Mr. Aylward: But you are not infallible.

Governor: Don't ask any more questions along that line. I am sitting as Governor of this state.

Mr. Aylward: Then I wont say what I think. I think there is a motto there in the other room—

Governor: Proceed with your examination.

Mr. Aylward: Was the general political situation in the Republican party and the divergent aims and ambitions of some of the leaders of it discussed at that time?

Governor: You need not answer that.

Mr. Aylward: You say following this discussion which we can't go into Mr. Wilbur, that the question then came up as to whether Mr. Ekern was doing some work for Mr. Johnson?

A. Yes, sir. I think that was before in point of order.

Q. But following that the question then came up of the Governor putting it up to the Commissioner to close whatever headquarters Johnson had at the Avenue Hotel?

A. To close whatever headquarters he had there.

Q. Mr. Ekern told him he had opened no headquarters?

A. No, sir he did not.

Q. Did he tell him that he had nothing to do with the headquarters?

A. "Now," he added that.

Q. When the Governor told him he must close those headquarters what did Mr. Ekern say?

A. As near as I can give it, that Mr. Johnson was now in charge of those headquarters and he was not able to say what Mr. Johnson would do about closing them.

Q. But the governor put it up to him that the Johnson headquarters by whomever opened must be closed or he would lose his head?

A. The Governor said *he* must close the head headquarters *he* had opened and that Mr. Johnson could get other headquarters for himself.

Q. But Mr. Ekern told him he had no control over them?

A. The Governor told him he must close the headquarters he had opened.

Q. He must close the headquarters over which he had no control and the penalty of that was that if he didn't close the Johnson headquarters he would take his job away from him.

Q. If he did not close the headquarters he had opened and refrain from any further participation in the speakership contest that there would be a new insurance commissioner.

Governor: I think you have gone over that enough.

Mr. Aylward: Just a moment your honor—

Governor: You have simply gone over this matter enough.

Mr. Aylward: Just a moment please, I observe that the ruling of the court is highly arbitrary but I have not delayed my cross examination and I desire to cross examine the witness further on very material matters that relate to your conversation with Mr. McGovern so far as related to the closing of the headquarters and so far as they relate to your request that he cease any activities in the matter of the speakership of the Assembly and that Mr. Ekern's answer that if there was any activity in any way that he would comply with your suggestions. I haven't touched upon a single one of them.

Governor: You have gone over twice I think what was said about closing the headquarters.

Mr. Aylward: I will go on with my examination.

Q. The Governor also insisted that the Commissioner must cease all activities so far as the speakership was concerned?

A. Yes, sir.

Q. And did he tell Mr. Ekern what he referred to by his activities in the speakership matter?

A. Mr. Ekern had just stated, just been over that ground.

Q. That is all that was referred to either by the Governor or Mr. Ekern?

A. Yes, sir.

Q. And Mr. Ekern said if there was any activity on his part it was unintentional and he would refrain from anything further and then the Governor assured him there was one Governor in the State of Wisconsin and he was located in the East Wing?

A. Yes, sir.

Q. Had Mr. Ekern set forth any claims to that title?

Governor: You need not answer that.

Q. And was this an animated hearing?

A. It was earnest.

Q. And considerable feeling exhibited on both sides?

A. No just earnest.

Q. Just earnest characterizing the dignities of the office?

A. Yes, sir.

Q. I think that is all.

Mr. Aylward: Are there any other papers in this office at the present time in any way relating to this matter here?

Governor: You need not answer that.

Mr. Aylward: Of course if there are we would be entitled to have them made of record here.

Q. Mr. Wilbur, have you prepared any papers this morning with reference to this matter?

Governor: You need not answer. Mr. Ekern, if you have anything to say you have an opportunity.

Mr. Aylward: May I ask Mr. Wilcox a question?

Governor: Yes.

Mr. Aylward: Are you notary public of Dane county?

Mr. Wilcox: No, of Outagamie county.

Mr. Aylward: Then he is not entitled to swear anyone on this matter.

Governor: I do not know the form used, so I asked Mr. Wilcox to swear the witnesses.

HERMAN L. EKERN, being first duly sworn on oath, was examined by Mr. Aylward and testified as follows:

Q. Mr. Ekern, you are Insurance Commissioner of this state?

A. I am.

Q. How long have you been Insurance Commissioner?

A. I was elected in November two years ago and I took my office the first Monday of January for a two year term. Along about May I think it was, or June, the legislature changed the office to an appointive one and I was appointed for a four year term and I entered on my duties the first day of July, 1911, and am now serving under that appointment.

Q. Prior to your appointment as Insurance Commissioner what office had you held?

A. I had held the office of deputy commissioner.

Q. You were also a member of the legislature?

A. Oh yes.

Q. And as such acted on the general insurance investigation conducted by the state?

A. I acted on the investigation of the life insurance.

Q. When were these charges which are now being heard served upon you Mr. Ekern?

A. I should judge a few minutes before nine, five or six minutes before nine.

Q. The order directs you to appear at nine o'clock the same morning. What is the fact as to whether between the times when this notice to appear and show cause was served and your appearance at the Governor's office whether you had any opportunity to consult with your attorneys or to consult with your witnesses or to make any other preparation for this hearing?

A. I called you on the telephone.

Q. That is the only preparation I had or you had?

A. I called some of the witnesses while in the other room and we prepared our reply here in the other room.

Q. You may state whether on this hearing, in which it is sought to deprive you of that office, whether you have had any opportunity to consult with your attorney or lay the matters before your attorneys?

A. No such opportunity except the consultation we have had in the other room.

Q. That was drawing your answer?

A. Yes, sir.

Q. Have you had any opportunity to consult the law with respect to this matter?

A. No, sir.

Q. Have you had opportunity to consult a single witness in the matter?

A. No, sir. Just a moment. I spoke to Mr. Johnson just a moment ago, but wasn't really a consultation.

Q. Do you feel, Mr. Ekern, that it is necessary for the proper presentation of your side of this matter that you have proper opportunity to consult with your attorneys?

A. I do. I have always felt that way. I never would go into court without consulting my clients.

Q. Do you feel for the proper presentation of this matter before the Governor, that it is necessary that you have an opportunity to consult with your witnesses?

A. I do.

Q. And you protest against the hearing carried on in this way?

A. I protest against this hearing, both on lack of time and no jurisdiction at this time.

Q. What is the fact Mr. Ekern, with respect to your speaking to Mr. Gifford with respect to reserving a couple of rooms at his hotel; what are the facts?

A. Mr. Johnson, L. L. Johnson, who is a candidate for speaker, has, for the last year and a half, been a member of a legislative committee to investigate the business of fire insurance, and has acted as secretary and active member of that committee. Under the provisions of the legislature of 1911 creating that committee, the commissioner of insurance was charged with the duty of co-operating with the committee. The result is Mr. Johnson has done some of the committee work, a considerable part of it in my office and we were doing some of the work on New Year's day. I am not absolutely positive about the date, but something was said about headquarters. He said he didn't know about rooms and I told him I knew about these rooms in the Avenue Hotel and he thought they ought to be reserved, and I suggested that he call Mr. Gifford on the phone and reserve the rooms and he says: "I don't know those rooms from your description." "Well," I says "I will call Gifford" and right there I reached for the telephone at my desk and called Mr. Gifford and got him right away, and I inquired whether the rooms had been rented for, I think next Monday and Tuesday, and he said not, and I asked him if he wouldn't hold them.

Governor: You wanted them for political headquarters for Mr. Johnson?

A. I didn't want them at all.

Q. You called up in order to secure these rooms for Mr. Johnson?

Mr. Aylward: I object to that.

Governor: I am sitting in this matter.

Q. In doing what you did you desired to assist Mr. Johnson's candidacy?

A. I considered I was doing an act of ordinary courtesy for anyone. It was done at his request.

Q. It was done for that political purpose?

A. I have made my statement.

Q. I am not asking at whose request, if you did not do what you did to secure headquarters for Mr. Johnson?

A. I did what I did at Mr. Johnson's request.

Q. Is that the best answer you can give?

A. Yes, sir.

Mr. Aylward: I desire to enter my objections.

Governor. Mr. Aylward, there is no attorney on the other side; we are not opponents. In any matter before the board of control or any other board, no attorney is permitted to be heard for the removal of public officers. I want to have the hearing perfectly fair. It is being conducted by the Governor and nobody else.

Mr. Aylward: Go on, Mr. Ekern, with your statement; don't let the Governor frighten you. Go on just the same as if you had not been interrupted, and state what was done. Was there any further talk with Mr. Gifford at that time?

A. I was under the impression that I suggested to him that he hold those rooms for Mr. Johnson and I think he said he would, and he would be over, something of that kind. Anyway, the conversation was very brief and very little was said. Then the next afternoon Mr. Gifford came over and he inquired of me about the rooms, what was wanted in the rooms, and I told him as he has stated here, nothing wanted except possibly some chairs might be wanted. At the time I had talked with Mr. Gifford I was under the impression that Mr. Johnson would see him right away. On Monday, the 6th, Mr. Johnson and I went over to the Avenue Hotel for lunch and I am not absolutely sure that it was on Monday. Anyway, Mr. Gifford said those rooms were for Mr. Johnson and I had my lunch there that day. I never went near those rooms, had nothing to do with them at all and Mr. Gifford is right about my being in the hotel on Monday evening. I went there to look for Senator Scott and I was only there just a minute, long enough for them to tell me about the telephone call. I think that is all about the rooms.

Q. Did you see Mr. Gifford again or did he see you about the rooms?

A. No sir.

Q. Did you ever visit the rooms?

A. No sir.

Q. Did you send anyone to the rooms?

A. No sir.

Q. Did you have anything to do with them directly or indirectly?

A. No sir.

Q. Did you assume any responsibilities with respect to the care of the rooms or the payment of the rooms?

A. No sir.

Q. You say what you did was a matter of courtesy to Mr. Johnson under the circumstances stated?

A. Yes sir.

Q. Had you in any way acted, or did Mr. Johnson so far as you know have any political committee?

A. None to my knowledge. I never heard of any.

Q. Or a manager of his campaign?

A. No sir.

Q. Did you act in any way directly or indirectly as a member of Mr. Johnson's political committee?

A. Not in any sense.

Q. Or any other candidate at this time?

A. No sir.

Q. Did you in any way directly or indirectly act as a manager for Mr. Johnson or for his candidacy for the speakership?

A. No sir.

Q. Did you act as a committee or as a manager for any party or any faction of any party in the matter of this speakership?

A. No sir.

Q. Did you do anything out of the ordinary for the promotion of Mr. Johnson's candidacy?

A. Why, I did nothing except when anybody inquired of me I told them Mr. Johnson was a capable and proper man for speaker. I personally favored Mr. Johnson.

Q. You said the same of Dr. Goff?

A. Oh, yes.

Governor: Isn't it a fact that you telephoned to persons through the state to come in and see you on the speakership?

A. No, I don't think so.

Q. Didn't you telephone to Mr. Thomas of Ladysmith asking him to ask Mr. Richards to call upon you?

A. Mr. Thomas called me and told me Mr. Richards would call upon me in relation to another matter.

Q. Did you not say to Mr. Richards when he called that you wanted Mr. Johnson elected speaker?

A. Why, I had a considerable conversation with Mr. Richards and the speakership question was mentioned.

Q. And Mr. Richards came to you pursuant to your telephone to Mr. Thomas?

A. No, pursuant to the statement of Mr. Thomas that he would come to see me.

Q. And you said "you know Richards, the fight is on; there can be no compromise. You must be for us or for the Governor; if you are for him you are not going to be with us. We are not going to let him have anything to say about this speakership."

A. I made the first part of that statement. I made the statement that the fight was on. That the question was between you and Senator LaFollette and that there couldn't be any middle ground.

Q. You didn't say you were going to beat me? Didn't you say that in effect?

A. I made this statement that I thought the speakership was of great importance in this contest, and—

Q. And did you say that you would see to it that I would not be permitted to have anything to say?

A. No, I did not.

Q. Didn't you say your side was going to win and my side lose?

A. No, I don't now that I said anything of the kind. I think I expressed the idea that Mr. Johnson was a strong candidate and likely to win.

Mr. Aylward: You say you did say that the fight is on. That was common knowledge and common newspaper talk ever since the matter of speakership came up?

A. Yes, and I referred to the general difference between the Governor and Senator La Follette; I didn't refer to the speakership; with, of course, the statement with regard to the fight has been on for some time; it is purely a political contest.

Q. When you said there could be no middle ground you meant simply the discussion of the general situation?

A. Yes, sir.

Q. What was the fact when you said there could be no middle ground?

A. I meant in this general contest whatever it was.

Governor: What more did you say? There was more than Mr. Richards and Judge Rosa there, wasn't there? You were trying to persuade them to vote for your candidate?

Mr. Aylward: I object to that as assuming that he had a candidate.

A. I don't know how the matter came up. Goff was mentioned and Hull was mentioned.

Q. And what did you mean by saying the fight was on and one side or the other must be beaten in this contest?

A. I presume I had in mind the general situation.

Q. Do you mean to deny you were seeking to control the speakership?

A. Of course not.

Q. What do you mean by that?

A. We were discussing the general political situation.

Q. Isn't it true that what you said was to influence them for the man you wanted elected?

A. No, that is not true. I had a broader purpose in mind.

Q. Mr. Ekern, haven't you been busy in this campaign?

A. No, sir.

Q. Do you deny having written letters in this speakership contest?

A. I don't write many letters. I don't recall writing any letters in the matter. You are asking whether I have written any letters referring to the speakership? It is possible it may have been mentioned. As a matter of fact, I have been asked about it. I have talked with some, but not many.

Q. Haven't you talked along the line saying this fight was on?

Mr. Aylward: He hasn't said he ever said that.

A. No, I haven't talked that, and so far as any statement that you shouldn't have anything to say, I don't think I have had anything to say, because I have always been scrupulous so far as you were concerned.

Q. And you felt free to support any candidate you pleased the same as I did in that matter, and had the same rights as I in the matter?

A. Well, no, not the same rights because you can go on a political committee and take the management of a campaign; I can't.

Mr. Aylward: When you refer to the rights—

Governor: Now, please don't ask any more questions on that line.

Mr. Aylward: What do you refer to in that matter when you say you exercise the rights you understood you had?

A. The rights any citizen would have to have an opinion on political matters and to express them. I have never understood that the expression of an opinion was engaging in the management of a political campaign. I helped draw the corrupt practice act.

Q. What is the fact, Mr. Ekern, as to whether you have been guilty of any misconduct or wilful neglect of duty as commissioner?

A. I have not.

Q. What is the fact as to whether since you were appointed as commissioner you have served on or under the political campaign of L. L. Johnson?

A. I have not served on any committee or as manager of political campaign of L. L. Johnson. So far as I know, Mr. Johnson managed his own campaign.

Q. What is the fact, Mr. Ekern, as to whether any complaint from the Governor's office or any other office prior to the filing of this paper this morning, with respect to neglect of any duty on your part?

A. There has never been any complaint with respect to neglect of duty aside from that stated there.

Q. Or that any complaint of wilful misconduct as commissioner of insurance on your part, has there been any complaint of any kind?

A. Excepting this matter which came up Monday evening, was the first intimation that I had there was any question or criticism of anything I have done.

Q. You may state, Mr. Ekern, what conversation you had with the Governor in the office here on Monday evening?

Governor: Make it brief, this hearing must be over by twelve o'clock.

Mr. Aylward: May I ask the court why we must conclude before noon?

Governor: I have already given sufficient reasons.

Mr. Aylward: State, Mr. Ekern, what the conversation was and what occurred between you and the Governor at the Governor's office on Monday evening?

A. I was sitting in my office about nine o'clock with Senator Scott and the telephone bell rang and Mr. Wilbur asked me if I would come to the Governor's office. I said I would and soon afterwards Mr. Essman called me up and said the Governor wanted to see me. I told him Wilbur had notified me. As soon as I could I came over; there was somebody with the Governor when I came in. I waited a little while; then the Governor came out of this office and Mr. Wilbur went in and I went in and the Governor. It was just after the inaugural and I suggested I thought the Governor must be tired after the day and he said something about being reasonably tired, and then he asked me what I knew about the speakership. I said I don't know as anybody knows anything about it but I just met Hull over here and he says he is nominated and elected. He claims he has 20 votes. He says that is enough. He says what do you know about the others? I said I don't know anything. He says does L. L. Johnson think he is going to be elected? I said yes, of course he does, they all think they are going to be elected. "Well," he says, "I understand that you are running headquarters for him at the Avenue Hotel." I said no, that isn't true, and he says you have had something to do with the headquarters. I told him I called Mr. Gifford on the telephone and had spoken for the rooms. There was some further questions about the rooms and I told the Governor that was all I had to do with it and then he switched over to some question about who I was supporting. I told him of course I favored Mr. Johnson, and then the Governor said "I understood that you have been telling members there was a contest on between me and other men in the capitol and that I had no right to name the speaker or that my candidate ought not to be elected." That was about the substance of the statement. I said "No, Governor, I suppose what you mean is that I said there was a fight on; I also said I didn't think you ought to dictate the speakership." I am not sure whether it was just at that point or a little later he asked me if I didn't know I had violated the law and demanded that I proceed to close Mr. Johnson's headquarters. He said "You must close Mr. Johnson's headquarters at the Avenue Hotel tonight and you must from tonight withdraw your support from Mr. Johnson or any participation in this contest and if you do not I will remove you from the office of commissioner of insurance."

Governor: Did you do anything about closing the headquarters?

A. Have I done anything about closing the headquarters?

Governor: You understood the question; don't repeat it.

A. As I stated to you that night there was nothing for me to do about closing them.

Governor: The evidence is closed.

Mr. Aylward: I want to make it of record. I am not satisfied to have this evidence closed here at all.

Mr. Ekern: I want to make a personal appeal for some fairness and justice and the Governor has just brought up only the very first part of this conversation. In the last part of this conversation I stated; the Governor said at the close of this ultimatum, that ended our interview. I said "Governor, you don't mean that". I said "I have been scrupulous in observing the law and it is my intention to do so; I have also complied to the strictest construction anyone has put upon it and I propose to do that in the future and as Governor of the state I am willing to do anything that can properly be done that you say." I said here I will call—

Governor: You need not go into that—

Mr. Aylward: I want this of record; your reporter is not taking it all. Just take it all.

Governor: I don't care to hear any more of that. I know what happened. It isn't as though you were talking to a man not present at that time.

Mr. Ekern: I want to make this a matter of record. I said I would call Mr. Gifford on the telephone at the Avenue Hotel and tell him I had nothing to do with those rooms and you said no. that was not satisfactory, that I must go to the Avenue Hotel and close those headquarters that night.

Governor: What I said was you had opened them and you must close them.

Mr. Ekern: I denied I opened them and not only that, Governor, but you insisted that I, in spite of my saying I had nothing to do with it, should go to the Avenue Hotel because I—

Governor: I said to you at once if Johnson is there you put him there. If someone else put him there I would have no right to ask them but I have a right to ask you to undo what has been done and said you must close the headquarters you have opened. I don't care to hear any more testimony or take any more time in this matter.

Mr. Aylward: I presume that court will allow me to complete the record and state that I have not finished Mr. Ekern's direct testimony and I have present and willing to testify Assemblyman L. L. Johnson, of whom it was alleged Mr. Ekern was political manager for, and the one man of all who would know the situation; also the testimony of Mr. Beedle, the former commissioner of insurance, and also the testimony of Lieutenant Governor Morris. I believe in justice to Mr. Ekern that he has a right to have the testimony of these witnesses produced at this time before this matter is concluded.

Governor: If we had the time we could go into this matter very fully on both sides, but we have all the testimony and it must be borne in mind that I have personal knowledge, which no testimony can modify concerning Mr. Ekern's own admission on the evening he was here as to his participation in the management of Mr. Johnson's candidacy and what he did with reference to it, so I shall find—

Mr. Ekern: I want to call your attention to the unfairness of that; Mr. Wilbur has testified as to that conversation—

Governor: You have gone over the whole transaction and you were fully notified that it was to terminate at twelve o'clock. After two witnesses had preceded you, and you were called exactly at eleven o'clock, so you have now had more than three-quarters of an hour. I have now delayed this hearing enough.

Mr. Aylward: It won't take but a minute. The whole question here is a question set out in the pleadings as to whether he was acting as manager for a political campaign. We have Mr. Johnson present, the one man who would know and I desire to have his testimony on the matter.

Judge Rosa: In as much as my name has been brought into this matter I feel in fairness to myself that I ought to testify.

Governor: This must conclude before twelve o'clock.

Judge Rosa: Well, it will not take me more than five minutes.

Governor: A more extended hearing is not allowed now.

Mr. Olbrich: You have already pre-determined how you are going to decide this hearing?

Governor: I have not and another suggestion of that kind from you you will be put out of the room.

Mr. Aylward: One can only judge by the record.

Governor: I have concluded this hearing. I should be glad to hear the rest of the testimony but of course you don't know any more about it. I saw by the commissioners first motion before me this morning that he was going to try to block this hearing.

Mr. Aylward: You have given him three-quarters of an hour in which to testify to the charge of whether he shall be dismissed from office or not.

Governor: In preparing his answer and in testifying he has had half of this hearing.

Mr. Aylward: In the ordinary procedure allow me to make a motion: I move under the records that the complaint on the charges be dismissed for the reason that they are not sustained by the evidence.

Governor: That motion is denied.

Mr. Aylward: If the court please, it is elementary in every proceeding when a person is accused of any offense that when the testimony is offered it is a right guaranteed by the constitution that he has a right to be heard by counsel.

Governor: Please desist this talk and listen to me. You have challenged my right to proceed. It is apparent you are trying to hold me after twelve o'clock and I shall not permit it. I don't intend anything to interfere.

My decision is to sustain the charges of the complaint; to find Mr. Ekern guilty as charged in the complaint, and order his removal for the reasons alleged in the complaint.

Mr. Aylward: To which, of course, we file our objections and I will file them in writing shortly.

MARY SIMS, called as a witness, testified as follows:

Examined by Mr. Aylward:

Q. Miss Sims, you are a stenographer in the office of Governor McGovern?

A. I am.

Q. And you were present at the hearing held on the 8th of January last?

A. Yes, sir.

Mr. Aylward: Mr. Chairman, I presume you have a right to swear the witness, but I do not care for it in Miss Sims' case.

Q. Did you prepare the order of dismissal, Miss Sims?

A. I did not.

Q. Who was the stenographer there that prepared the order?

A. I don't know who did it. I didn't see it done, but I suppose Miss Johnson, the other stenographer, did it. I didn't see it done. The first time I saw it was when it came back after Mr. Essman had served it.

Q. Miss Johnson is a stenographer in the Governor's office also?

A. Yes, sir.

Mr. Aylward: That is all. I will say to the Chairman I asked Mr. Wilbur, before calling Miss Sims, if he could tell me who it was that prepared the order, and he was not able to tell me, and for that reason I was compelled to call Miss Sims.

Senator Ackley: Mr. Chairman, I ask that the testimony be read. I didn't hear it.

The Chairman: The witness' testimony will be read.

(The reporter thereupon read the testimony of the witness.)

Mr. Aylward: I will call Miss Johnson later. The order of removal has already been certified, I think to the secretary of state. It is simply a photographic copy, or some process, but we call attention of the committee now to the fact that the order of dismissal as certified here by the secretary of state, had and has no seal, and call attention to that in connection with the opinion of the Attorney General read here this morning as to the effect of the seal.

One of the things we rely on in court and rely on here is that a commission and order of removal by the governor is ineffectual unless it has the great seal of the secretary of state upon it, which has never been added to the order of removal, and we also call attention to the fact that in this copy it appears that it was signed at 11:50 o'clock. I will say to the chairman that the original typewritten copy, if it can be produced, should be produced, because that shows that the order of removal was already in typewriting except the time when it was issued and the time when it was issued, 11:50 o'clock was left blank. All the rest of it in typewriting, and that inserted with pen. As we think showing that the order was prepared prior to that time, and prior to the hearing.

We offer the copy that was served on the Commissioner, marked here "Ekern's Exhibit 4," showing that it is all in type

writing, except the time when it was issued, which was left blank, and then the time that the meeting was adjourned, 11:50, inserted with pen afterwards, clearly appears here. This also was the original order and it shows no seal of the secretary of state was ever added to it or filed until later. And further, that the return of the secretary of state read here this morning shows that no seal has ever been attached to the order of removal.

One thing, Mr. Chairman, that I have called the chair's attention to, and the committee's attention to, in starting, and that is that the section of the statute to which the complaint refers, Chapter 484 of the Laws of 1911, or Section 1966y provides the only ground upon which the Governor can remove the commissioner of insurance, and that is on the ground that he has acted on and under a political committee or as manager of any political campaign for any candidate of the party. That is the ground the Governor put the order of removal on, and that is the charge, that he acted as the manager of a campaign committee for the speaker of the Assembly, and one of our contentions is that there is no such committee recognized under our statute, and that the canvass, whatever it may be, for the election of a speaker of the House, does not constitute a political campaign. As we call attention to it later, the statute providing for the election of a speaker is the same as that providing for the sergeant-at-arms and the clerk, and that, in the contemplation of the election laws, the Corrupt Practices Act, and our statutes, whatever work is done preliminary to the election of a sergeant-at-arms, or the clerk, or the speaker, is not a political campaign, and therefore the Governor was wholly without jurisdiction to remove Ekern on the ground that he was manager of a political campaign.

Senator Burke: Mr. Aylward, one question. I have Section 1966y before me, and my understanding in reading that over some time ago was that there is no provision in the law of 1911 providing for the removal of the insurance commissioner.

Mr. Aylward: That is found, I think, Mr. Burke, in Section 970 of the Revised Statutes.

Senator Burke: I think that the statute removing an insurance commissioner, and all appointees of the Governor, who must be confirmed by the senate, will be found in the revision of 1898, so that my understanding is that in the law of 1911 there is no provision made there at all for removal of the commissioner.

Simply cautions him not to mix up in politics, but provides no penalty.

Mr. Aylward: It does not say that, Senator. Simply says that he shall not act.

Senator Burke: As a participant under any party manager, or the interest of any candidate, and as I understand it, Mr. Aylward,—I may be misinformed—there is no penalty prescribed in the laws of 1911.

Mr. Aylward: You are right, Senator Burke. There is none, and it simply says the commissioner shall not engage in any business, and, in connection with that, then it says he shall not act as a member of or under any political committee, or manager of any political campaign. That is in 1966y providing for the appointment of the commissioner. What the Governor relied on was Section 970.

Senator Burke: That is in the new revision.

Mr. Aylward: Found here. "All officers, except senators in Congress and those specified in the preceding section, who are or shall be appointed by the Governor, by and with the advice and consent of the Senate, or by the legislature without the concurrence of the Governor, may, for official misconduct, *habitual* or wilful neglect of duty"—those are the two charges in *this* complaint, official misconduct, habitual or wilful neglect of duty—"be removed by the Governor, upon satisfactory *proofs*, at any time during the recess of the legislature, and the *vacancy* filled by appointment made by him until such vacancy shall be regularly supplied; but no such appointment shall extend beyond twenty days after the commencement of the next *meeting* of the legislature." That is the section.

Senator Burke: That is as I understand.

INGIRID JOHNSON, called as a witness, testified as follows:

Examined by Mr. Aylward:

Q. You are one of the stenographers in the office of the Governor?

A. Yes, sir.

The Chairman: May I suggest that the witnesses be *sworn*?

Mr. Aylward: Yes, we will be glad to have them.

(The witness, Ingrid Johnson, was thereupon sworn *by* the Chairman.)

Mr. Aylward:

Q. You are one of the stenographers, Miss Johnson, in the office of the Governor?

A. Yes, sir.

Q. And was on duty there on the 7th and 8th of January last?

A. Yes, sir.

Q. And was this Exhibit 4 prepared by you, Miss Johnson?

A. Yes, sir, it was.

Q. Were those copies manifold copies or is that an original copy that you prepared?

A. Originals.

Q. And do you remember how many original copies you prepared?

A. Well, I believe there was only one original. Just that one.

Q. Well, what I meant, did you run off three or more copies at the same time with this?

A. Yes, sir.

Q. And you left the time at which the order was made blank, did you not?

A. Yes, sir.

Q. And was that inserted by you in pen, or by somebody else?

A. By somebody else.

Q. Who dictated the order, Miss Johnson?

A. Nobody dictated it. It was given to me written out.

Q. And who gave it to you written out?

A. I don't know what his name is.

Senator Browne: Mr. Speaker, I rise to a point of order. If it is not proper practice in asking questions to address them to the speaker or the chair and then let the chair put them to the witness? I call your attention to the manual of Parliamentary Practice, the one that has been adopted by this body, manual on page 54, to be found in the Blue Book. I guess this last Blue Book does not contain it, it is 1909, but I will pass it up to the chair. It says:

“EXAMINATION OF WITNESSES.

“When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question must address it to the speaker or chairman, who repeats the question to the person, or says to him: ‘You hear the question—answer it!’” etc.

Senator Randolph: Rule 108 of the Senate rules provides that the parliamentary practice comprised in Jefferson's Manual shall be the standard in all cases to which they are applicable and in which they are not inconsistent with these rules. That is Rule 108, page 141, directory and manual.

Senator Browne: That is the rule. Is there anything inconsistent with any of our rules. If they are I would like to have the gentleman quote the rule that is inconsistent.

Senator Husting: I understand that is the practice regarding question by members.

Senator Browne: Yes.

Senator Husting: I understand this is a question by attorney and counsel. The rules does not apply.

Senator Browne: In other words, according to counsel's theory, an attorney that comes onto this floor has more rights than a member, an employed attorney, and that means of course, that a partisan in the matter can have a more favorable procedure and can have more privileges than a member of this house can have. If that is the rule, I want to know it, and will say it is a peculiar one.

Senator Randolph: That is the rule under Senate Resolution No. 8, adopted by the senate this morning. We adopted that. Your Jefferson Manual don't apply to that rule under that resolution we are working under.

Senator Browne: I would like to have a ruling, and if the chairman hasn't got the Jefferson Manual I will send it up.

The Chairman: I have the manual.

Senator Browne: You find the section I refer to, do you?

The Chairman: Section 13, "Examination of witnesses."

Senator Browne: It is the examination of witnesses.

Senator H. C. Martin: In an effort to straighten this matter out, I would like to make this suggestion, that under the resolution, attorneys can appear in behalf of an interested party, and they can put the questions. If the questions are not pertinent the chairman of the committee can object, or any member of the committee can object, and that practically covers the whole ground. If a member asks the question, then the rule will be followed as quoted. If the attorney asks the question, any member of the committee, or the chairman of the committee, can object because the question is not pertinent.

Senator Randolph: The committee decides.

Senator H. C. Martin: The committee decides:

Senator Browne: I would like to ask the senator a question. If there is anything in our resolution that says that or that gives anything that can be interpreted as saying that, or anything that can be interpreted as giving an attorney we have invited here any more rights than we have got.

Senator H. C. Martin: No more rights except that the resolution gives the attorney the right to appear.

Senator Randolph: And to present testimony.

Senator H. C. Martin: And to examine the witnesses, but you have a right to object at any time to the question asked, and then the committee itself, or the chairman first, will rule upon the pertinency of the question.

The Chairman: The chairman would not like it to be made obligatory, to be put to the hardship, by any member of the committee, to repeat the question as put by the counsel, and it would be a hardship for the member or for the chair to do that. Therefore the Chair will rule that in this case the counsel may put the questions direct to the witnesses and any member of the committee has a perfect right to object to the question put, but the Chair would not like to make it obligatory upon a member, or the Chair himself, to repeat questions put to the witnesses by counsel.

Senator H. C. Martin: Unless objection is made.

The Chairman: I will accept the suggestion.

Senator Browne: Now, what about members asking questions? Do you have to put those questions? Or does a member have the same privilege the attorney does?

The Chairman: The Chair will rule that the member has at least equal privilege here with the counsel.

Senator Browne: I thank the Chair for the ruling.

The Chairman: The Chair accepts. Counsel may proceed.

Mr. Aylward:

Q. Do you know in whose handwriting it was, Miss Johnson?

A. I am not familiar with the handwriting.

Q. Did you preserve the copy, the original order, copy, given to you?

A. No, sir.

Q. Do you know why it was you left the date or the hour, when the order was made, blank?

A. No, sir.

Q. That was left blank in the order which was handed you, then?

A. Yes, sir.

Q. Have you any way of fixing when it was you wrote the order, Miss Johnson?

A. I don't know the exact time. It was late in the morning of that day. Just before noon.

Q. Some time before noon?

A. Just before noon.

Q. Well, this is dated 11:50 o'clock. It was some time, then, before that, was it?

A. Just before that, I should say.

Mr. Aylward: That is all.

The Chairman: Has any member any question to ask the witness?

Senator Ackley: Might I ask again that this testimony be read by the stenographer? It is impossible for me to hear it.

The Chairman: The stenographer will read the testimony. (The reporter thereupon read the testimony of the witness).

Senator Randolph: I desire to ask the witness a question.

The Chairman: You may do so.

Examined by Senator Randolph:

Q. Miss Johnson, was the person who handed this copy to you an employee of the Governor's office?

A. No, sir.

Mr. Aylward:

Q. Do you know in what office he was an employee?

A. His name is Mr. Belitz. I think it is B-i-l-i-t-z.

Q. He is an employee in the office of the Revisor of Statutes, is he not?

A. I do not know where he is employed.

Mr. Aylward: That is all, as far as we are concerned.

FRANK L. CLARK, being first duly sworn, on oath testified as follows:

Examined by Mr. Aylward:

Q. Mr. Clark, you are a reporter for the Madison Democrat

A. Yes, sir.

Q. Were you on duty on the night or evening of January the 6th?

A. Yes, sir.

Q. Did you receive a telephone call from the Governor's office that evening?

A. Yes, sir.

Q. Who was it telephoned you?

A. Mr. Wilbur.

Q. He holds what position?

A. Clerk for the Governor.

Q. And in response to that telephone did you go to the Governor's office?

A. Yes, sir.

Q. And whom did you find there??

A. Mr. Wilbur.

Q. And did he then give you a statement of what had taken place in the Governor's office between Mr. Ekern and the Governor?

A. He gave me no statement. He told me the incident.

Mr. Aylward: Just speak a little louder so the senators can hear.

A. He gave me no statement. He just told me of the incident that had occurred there before.

Q. And did he tell you of the ultimatum the Governor had given to Mr. Ekern?

A. Yes, sir.

Q. And you made a minute of it, did you?

A. Yes, sir.

Q. And you made a report of it in the Democrat the next morning, did you?

A. Yes, sir.

Q. And is that report which you received from the Governor's clerk, upon being called there by him, a true statement of what he gave you?

A. As near as I could write it. I didn't write it down verbatim at the time.

Mr. Aylward: Just a little louder.

A. I didn't write it down at the time in exact words.

Q. Is there any doubt in your mind but what the important

part, that is, the ultimatum given by the Governor to Ekern, is as given by the Governor's clerk?

A. That is as I understood it.

Q. That is as you understood it?

A. Yes, sir.

(Said article was thereupon marked "Ekern's Exhibit 5.")

Mr. Aylward: I offer the whole article, but now I simply will call attention to the opening lines of the article.

Senator Browne: Before that is read, I wish to object, Mr. President, to the admission of a newspaper article written by a witness who is in court, before the Senate, on the ground that the witness' testimony here is the best evidence.

Mr. Aylward: I think that is true. I will be glad to meet the objection.

Q. Mr. Clark, did Mr. Wilbur, when he called you to the Governor's office on Monday evening, say to you that the Governor had delivered this ultimatum to Mr. Ekern:

"You must close the L. L. Johnson headquarters in the Avenue Hotel to-night and hereafter refrain from any participation in the speakership contest now in progress, or when the legislature meets next Wednesday I will see to it that Wisconsin has a new insurance commissioner."

A. Practically in those words.

Q. When was it, Mr. Clark, that the Governor's clerk called you to his office on Monday evening?

A. I don't know.

Q. What is your best recollection?

A. Oh, probably seven o'clock. Shortly after I had returned to the office from supper.

Q. Wasn't it nearer twelve o'clock, Mr. Clark?

A. No, sir.

Q. That is your best recollection?

A. Yes, sir.

Mr. Aylward: That is all. I will call L. L. Johnson.

L. L. JOHNSON, being first duly sworn, on oath testified as follows:

Examined by Mr. Aylward:

Q. Mr. Johnson, you are a member of the present legislature?

A. I am.

Q. Were you a member of the last legislature?

A. I was.

Q. A member from what district?

A. From the county of Door.

Q. As a member of the last legislature, Mr. Johnson, were you appointed on what was called the Fire Insurance Investigating Committee

A. Yes, we called it the Wisconsin Legislative Fire Insurance Investigating Committee.

Q. Who were appointed on that committee with you, Mr. Johnson?

A. From the assembly, H. J. Mortenson of New Lisbon, William H. Bell of Racine and William J. Gilboy, of Milwaukee. From the senate: Senator George E. Scott of Prairie Farm, Senator W. Randolph of Manitowoc, Senator John M. True of Baraboo.

Q. And what was the work assigned to this committee?

A. Just a moment. Along with that resolution the commissioner of insurance was instructed to co-operate with us in every way and in everything that was investigated by the committee. The object of the investigation was to examine into fire insurance matters in every manner, as to rate making, commissions, qualifications for agents, etc.

Q. When the committee organized, who was elected chairman of the committee?

A. Senator George E. Scott.

Q. And who was elected secretary of the committee?

A. I was.

Q. What is the fact as to whether this committee was assigned room in the Capitol Building for their work.

A. They were.

Q. Who assigned the rooms?

A. Well, we got them from Mr. Essman I can't say. I suppose he had charge of the property.

Q. And to what room did Mr. Essman assign this committee?

A. It is a small room in the old wing. I think it is number 112.

Q. And where is it with respect to the rooms of the commissioner of insurance?

A. It is on the same floor, to the southwest of it, I think,

and at the time when we got it was occupied by a couple of clerks in the insurance department.

Q. And does it open into the rooms of the insurance commissioner?

A. It does not.

Q. It adjoins them, however, doesn't it?

A. Well, there is, I think, a room between.

Q. You say that under the provisions of the law by which this committee was created that the insurance commissioner was also directed to co-operate with you in every way?

A. He was.

Q. And what is the fact as to whether Mr. Ekern, as insurance commissioner, worked a great deal with that committee during the past year?

A. He did, as he did most of the counsel work, you might say, of questioning the witnesses.

Q. What work did that cover? Just very briefly.

A. Well, I don't know just—

Q. What work was your committee doing?

A. It was examining witnesses. That is, examining insurance agents, managers, of insurance companies, individuals who might have a complaint, anyone, in fact, that had anything to do with insurance, or where we could get any information.

Q. What is the fact as to whether your committee, of which you were secretary, were obliged to do and did do a good deal of your work in the office of the commissioner of insurance?

A. Did a large part of it there.

Q. Was that necessary?

A. Largely so because of the fact that the commissioner had to see to his other business, and when he would get, for instance, his correspondence off his desk, why, he would take up this work with me, or members of the committee, when we were in there.

Q. How much of your time during the past six months, Mr. Johnson, did you give to the work of the committee?

A. Well, I should say three-fourths of the time, probably more.

Q. And what was true with respect to the last three months, October, November, December?

A. Not so much at that time, because I was helping with other

examiners in auditing or examining the Northwestern Mutual Life at Milwaukee.

Q. So you spent a good deal of that time in Milwaukee, did you?

A. Most of it.

Q. You were one of the candidates, Mr. Johnson, for speaker of the assembly when they last organized, weren't you?

A. I was.

Q. What is the fact, Mr. Johnson, as to whether Mr. Ekern advised or consulted with you with respect to your becoming a candidate for speaker?

A. He did not.

Q. You say he did not. Where did you make your announcement as candidate for speaker?

A. In Milwaukee.

Q. Was Mr. Ekern consulted with respect to that announcement?

A. He was not. To my knowledge.

Q. How did you come to make your announcement, Mr. Johnson?

A. Well, I think it was quite generally understood before the election that if John McConnel of La Crosse was elected he would be the candidate for speaker and undoubtedly would have no opposition. That seemed to be the general conclusion. I reached Milwaukee on the morning of the election and, I think, by the evening papers, although it might be by the following morning's papers, noticed that McConnel had been defeated, and of course I then realized that there would be a chance for some other member to be speaker and naturally, in my own mind, looked the matter over and thought there was a good opportunity; so I decided I would be a candidate, and, in walking down to the Board Rooms of the Milwaukee Board of Fire Underwriters, where we were having a hearing—by the way, I was alone, the other members had preceded me, or they were at the hotel, I hadn't seen them that morning—I met Mr. Ralston of the Milwaukee Journal. He stopped me and asked about news, I suppose referring to the work of the committee the day before. I stated I couldn't take the time then to give him anything definite as to that, but I had some other news, if he wanted to take it. He said: "All right." I said: "You can announce I

will be a candidate for speaker of the assembly." I think he took a pad out and made a note of it. That was all that was said and I went up to the Board Rooms.

Q. That was all the formality there was to it?

A. Yes.

Q. Did you have any campaign for yourself as speaker, Mr. Johnson?

A. Why, I should not call it a campaign.

Q. What was the only thing you did with respect to campaigning, if you can call it that?

A. I wrote letters to the members.

Q. That is, you wrote a letter to each member of the legislature announcing your candidacy?

A. The republican members.

Q. What is that? The republican members? I had forgot there was some Democrats. Now, did you ask them for their support?

A. No, sir.

Q. Simply asked them to suspend judgment?

A. Yes, sir.

Q. Did you do anything further than to write a letter to each republican member of the legislature?

A. I called up Mr. Goff towards the end of the campaign, because I had failed to get replies from some members, and I was anxious to know whether he had received replies from them or not, and he told me he had not received replies.

Q. Did Mr. Ekern have anything to do with the writing of that letter?

A. Absolutely not.

Q. Did he see the letter before it was written?

A. He did not.

Q. Did he know to whom you had written it, as far as you know?

A. I don't think he did.

Q. So that up to the meeting of the legislature, or until a day or two before the legislature, that is all, is it, that your campaign consisted of?

A. No, I met Mr. Hull here, twice I think, here in Madison; met him once over in Sumner's drug store, the first time, and I met Mr. Nye once, possibly twice, just for an instant.

Q. Those were two candidates?

A. Yes.

Q. Are there any other candidates you spoke to?

A. On the way home for a short Christmas vacation I stopped in and talked to Mr. McComb of Green Bay.

Q. Anything else that you recall?

A. Yes, I talked with Mr. Spoor over the telephone.

Q. Well, did you seriously expect to be elected as speaker on that kind of a campaign

A. Well, I had hopes.

Q. If you had a campaign that is what it consisted of, is it?

A. That is all.

Q. Did you have any campaign committee?

A. No, sir.

Q. Did you have any manager?

A. No, sir.

Q. Did you have anyone working for you?

A. Not to my knowledge.

Q. You say that you spent a great deal of time, necessarily, as secretary of this committee, in the office of the insurance commissioner. Was there any work done there, so far as you know, with respect to your being interested in the speakership?

A. Not to my knowledge.

Q. Were there any letters written, that you know of?

A. Not that I know of.

Q. Was there anyone telephoned or telegraphed to, as far as you know?

A. Not as far as I know.

Q. What is the fact, Mr. Johnson, as to whether that committee had much or little work to do as it came toward the time for the meeting of the legislature?

A. Why, it had too much to do because, under the resolution, we should really have reported on December 1st, but the work was so great we were unable to do so, and consequently we were working day and night, trying to get that report ready.

Q. You say you were working day and night. How late nights were you working?

A. One night we were there until after twelve.

Q. Did you also work on Sunday?

A. Yes, sir.

Q. Did you work on holidays?

A. Yes, sir.

Q. How much, Mr. Johnson, aside from paying for the rooms at the Avenue Hotel, how much did you expend in behalf of your campaign, if you can call it that. In behalf of your work as candidate for speaker?

A. Well, without the exact figures, I should say about \$10.

Q. \$5 of that went to the stenographer who wrote the letters, didn't it?

A. Yes.

Q. About \$2.50 went for postage?

A. About that.

Q. And the rest was thrown in for good measure, wasn't it?

A. Well, as I said, I had one or two telephone calls. I had to pay for those.

Q. That covered all of your expenses, and that covered all of your work in this campaign, so-called?

A. Yes.

Q. You were in the legislature this session and last session. What was the understanding that you had and what has been the public understanding with respect to the speakership and the canvass for speaker. Does that, as you understand it, Mr. Johnson, constitute a political campaign?

A. I don't understand it.

Senator Browne: Mr. Chairman, I object to that as being a conclusion. The senators can judge for themselves on the law, and the conclusion is not competent for a witness to give as testimony.

Witness: That is a matter for the legislature.

Mr. Aylward: I do not want to exceed my rights here, but I offer that testimony, Senator, on this ground: As I think, there is no decision in our state interpreting that or covering it. In place of that, then, custom is permissible, would be permissible in a court of law.

Senator Burke: I suggest, Mr. Aylward, you might have him qualify as a political expert, and bring him in as an expert on that, to determine that point. If Mr. Johnson can qualify as a political expert, probably it will be competent.

Mr. Aylward: Q. Did you file any statement of any com-

mittee or any chairman of any committee in connection with your work?

A. I did not.

Q. Or any expense account?

A. No, sir.

Q. Why not, Mr. Johnson?

A. Because I was a member of the legislature, and I know when this matter was drafted, the Corrupt Practices Act, it was common knowledge around the Assembly halls that this act would not apply to instances of this kind where members of the legislature were candidates for an office of this kind.

Q. Were you in the office of the commissioner on New Years Day, Mr. Johnson?

A. I was.

Q. Engaged on the work of this committee?

A. Yes, sir.

Q. State what you know with respect to Mr. Ekern's telephoning Mr. Gifford on that day?

A. Before starting on our work of the report—

(Cries of "Little louder," "Little louder".)

A. (continued) I said something to Mr. Ekern about engaging—

Mr. Aylward: (interrupting) You will have to speak a little louder.

Witness. Well, gentlemen, it is pretty hard to make a political speech here.

A. (continued) I said something to Mr. Ekern about: "I ought to have some headquarters at the Avenue Hotel," and he said: "Why don't you telephone there?" I said that I was not acquainted with Mr. Gifford and I didn't know the rooms. I said: "If you know Mr. Gifford, why, you might call him up for me, and ask if those rooms are reserved." By the way, I knew that the commissioner had had rooms there at one time when he was a candidate for speaker, and he casually remarked that he would do so, and he stepped to the phone and called and evidently got Mr. Gifford at once and asked him if certain rooms there had been reserved, or were then vacant, and eventually the reply was: "Yes". He then replied that he should hold them—

Mr. Aylward: (interrupting)

Q. Pardon me, Mr. Johnson, just talk out that way (indicating the center of the room).

A. (continuing) He then asked him if he would hold them for Monday and Tuesday, and then, when he hung up the receiver, he says to me: "You better go around there and see Mr. Gifford," so—

Q. (interrupting) Was there any further talk there that day with respect to your campaign, or your committee, or your work?

A. Why, not that I can recall.

Q. Did you understand that he did that as your manager, or member of your committee, or simply as an act of courtesy on his part?

A. Well, if he was my manager he would have had to have been my manager before. What he did I considered as doing an act of courtesy.

Q. Following that did you see Mr. Gifford?

A. I did not until Monday noon.

Q. What took place Monday noon?

A. I came in there to have my dinner there and with me was Mr. Anderson, a member of the legislature, and registered, and we walked in.

Mr. Aylward: Now, there is no use talking to me. If you will talk to those senators back there—

A. (continued) Mr. Anderson and I walked into the dining room, and, as we were walking down the aisle, I noticed Mr. Ekern and Senator Skogmo sitting at a table. So I walked over there and sat down and shortly after Mr. Wilcox, the special counsel or agent for the governor, came in and sat down alongside of Mr. Ekern and not long after, Mr. Ekern arose and Senator Skogmo—they were through—and walked out.

Q. Well, now what later occurred?

A. Well, of course, after we were through with our dinner we walked out into the lobby of the hotel, and I think the clerk of the hotel was there in the room, and Mr. Ekern said to the clerk: "This is Mr. Johnson who has engaged those rooms," and that was all that I recall seeing of Mr. Ekern, and later Mr. Gifford came into the room and asked me to step into the rooms to see if they were as I desired.

Q. Did anyone go back with you to see the rooms except Gifford?

A. I don't recall. I don't think so.

Q. Did Mr. Ekern go back with you?

A. He did not.

Q. Well, you examined the rooms with Mr. Gifford and talked the matter over, made your own arrangements, did you?

A. Well, they were satisfactory to me, and nothing more was done about them that I know of.

Q. Following that— Or, did Mr. Ekern, so far as you know, ever visit the rooms in any way or in any capacity?

A. I didn't see him there any more.

Q. Did he ever send anyone there, so far as you know?

A. Not to my knowledge.

Q. Up to the time that the Governor of the state of Wisconsin issued this ultimatum on the evening of January the 6th had any person, so far as you know, visited the rooms except yourself?

A. Not to my knowledge.

Q. When you talked with Gifford, whatever arrangements were to be made you made, did you not?

A. Yes. I had spoken to the clerk there previously that I would make it.

Q. Whatever responsibility there was you took it, did you not?

A. Certainly.

Q. Took it personally?

A. Yes, sir.

Q. Had Ekern assumed, so far as you know, any responsibility of any kind with respect to those rooms?

A. No, sir.

Q. Did he have any charge or management of them?

A. He did not.

Q. Did he have anything to say about them in any way?

A. No, sir.

Q. Could he have closed them if he wanted to?

A. No, sir.

Q. Did he have any more control of them or any more to say about them than any other outsider?

A. No, sir.

Q. Did you object to having them closed on Monday evening?

A. I certainly did.

Q. Mr. Ekern, in fact, went to you after the Governor had

talked with him, and told you what the Governor had said, did he not?

A. Telephoned me.

Q. What is the fact as to whether you refused to have them closed or not?

A. I did.

Q. What is the fact, Mr. Johnson, as to whether you had made it a point not to get Mr. Ekern in any way involved in your campaign?

A. Why, I cannot see that there was any way of involving him, because he had done nothing for me except this one particular act of telephoning for me.

Q. What is the fact as to whether you suggested to him that he had better not do anything for you or try to do anything for you?

A. Why, that might have been mentioned at some time.

Q. What is the fact, Mr. Johnson, as to whether you believed at that time, prior to the first of January, that the Governor of the state was waiting, and looking, and watching for an opportunity to dispose of Mr. Ekern?

Senator Browne: Mr. Chairman, I object to that as being a conclusion. I do not object to the statement of any facts, or do not wish to raise any objection, but it strikes me that is calling for a conclusion.

The Chairman: I suggest to the counsel that he try to please the senator from the 21st.

Senator Browne: Mr. Chairman, if he pleases you, he pleases me.

The Chairman: And pleases me also.

Senator Ackley: May I suggest to you that we might have a little more brevity in these matters, and proceed. The hour of five is fast approaching, and the records are being encumbered.

The Chairman: I would suggest to the counsel that he make the examination as brief as he possibly can, and still put all the facts before this committee.

(Last question read).

Mr. Aylward: I will withdraw that question.

Q. You were in the city, Mr. Johnson, continuously, after the 6th of January, were you?

A. Yes, sir.

Q. And what is the fact as to whether you visited the office of the insurance commissioner daily thereafter?

A. I think daily, I am not certain.

Q. What is the fact as to whether the commissioner remained in his office and continued the performance of his duties from that time to the present time?

A. So far as I know, yes.

Q. Were you present in his office on the 21st of January?

A. I was.

Q. Were you there in the afternoon when Mr. Essmann and Mr. Anderson called?

A. Yes, sir.

Q. State what occurred there, as you remember it?

A. Mr. Anderson and Mr. Essmann came in. Mr. Anderson shook hands with members around, and then he withdrew an envelope from his pocket and, facing the commissioner, stated to him that he had been informed by counsel that Mr. Ekern was legally removed, and that he had been legally appointed commissioner, and made a demand for the books and papers, etc. Mr. Ekern stated that there was no vacancy in the office of commissioner of insurance, and that he refused to do so. Mr. Anderson turned to Mr. Essmann and asked him to provide him with quarters as provided by law. Mr. Essmann stated that he would then furnish him with that room and stated to the commissioner that he hoped he would not make it hard for him, but would vacate the rooms, as he was acting under orders from the governor. Of course, there was a refusal to do so, and Mr. Essmann then said he would call upon his police, or get police, and then left the room, followed shortly by Mr. Anderson. Whereupon the commissioner closed and locked the door. I might state that in the room at the time besides the commissioner was Mr. Beedle, and Mr. Heden, an assemblyman. After some time there was a rap at the other door, the door containing two glass panels, and a call, I think: "Open the door," something like that. Just previous to this the commissioner had placed his heavy desk against the smaller typewriter desk which was then up against this door. He stepped in front of this door to speak, and just at that time a heavy book came through one of the glass panels, the broken glass flying over the commissioner's clothing, and face. I recognized

Mr. Essmann. Of course, I had recognized him before, by his voice, and also recognized some of the police. They then pushed open the door and tried to force it in, and tried to break the locks, but they did not succeed. The door was forced open probably five or six inches, and one of them—oh, there was some other prying with poles, that broke, and then some suggestion was made to get a crowbar. There was a slight halt then in hostilities and while that halt was taking place there was a knock at the other door, and, upon being asked, I heard the reply: "Aylward." The commissioner then opened that door and you stepped in and made the statement that you (Mr. Aylward) were there with an order from the court which you had served upon Mr. Anderson, and I think requested where Mr. Essmann was.

Q. Had the doors been barricaded until Essmann said he was going to get his police and take forcible possession?

A. Not by that heavy desk. The typewriter desk had been standing there before.

Q. But no effort had been made to barricade the doors.

A. No.

Q. Do you know whether there was any bloodshed in the encounter or not?

A. I didn't see it personally. I was shown the wounds afterwards.

Q. But there was blood upon the floor?

A. I didn't see that.

Q. That was where Mr. Essmann was wounded?

A. Well, I didn't see that. That was simply hearsay.

Q. What multitude and what crowd came in with Mr. Essmann when he made that charge?

A. Well, I think there were three policemen in uniform. Mr. Meyers probably was there, but I don't remember seeing him.

Q. Besides Mr. Essmann and the three uniformed policemen, what crowd of people came with them?

A. That I couldn't tell because I was in the inner office.

Q. Did you step out afterwards?

A. Afterwards. Oh, the office was filled with people, reporters and others.

Q. Do you know, roughly, how many people were present?

A. Oh, possibly sixty, seventy-five people.

Q. What is the fact as to whether all work in the department was stopped by reason of the crowd and the disturbance?

A. It certainly was.

Q. What is the fact, Mr. Johnson, as to whether Mr. Ekern ever talked to any member of the legislature in your presence, or not, with reference to the speakership?

A. He did not.

Q. These letters that you testified to having been written, where were they written and mailed from?

A. In Milwaukee.

Q. And the replies to those letters were sent where?

A. As I wrote on the stationery of the assembly, which has the word "Madison" on it, they came back to Madison.

Q. Were any letters written from the insurance commissioner's office?

A. No, sir.

Mr. Alyward: That is all.

The Chairman: Any member of the committee a question to ask?

Examined by Senator Bishop:

Q. Mr. Johnson, at the time you speak of being in Milwaukee when you decided to make the run for speaker, was Mr. Ekern with you on that occasion?

A. No, sir, he was in New York City.

Q. Did you visit—the day you spoke of meeting Mr. Ralston on the way to your office and informed him that you had decided to run for speaker of the assembly, had you been at any political headquarters that morning?

A. I can't positively state whether I had or not. You understand the State Central Committee had a headquarters there in that hotel. The morning previous I recall I stopped in there. Saw the Governor there, by the way, and others, but I don't think I was that room that morning, because it was rather late at the hour when I got up, and I had to hurry to get to the place we were to hold the hearing.

Q. About what time was it in the morning when you met Mr. Ralston?

A. Why, I should judge it was after nine or about nine.

Mr. Alyward:

Q. You say at that time that Mr. Ekern was in New York on business?

A. Not at that time.

Q. I thought you answered the senator so.

A. No. He asked me when I wrote the letters.

Senator Bishop:

Q. No, I asked you if Mr. Ekern was present with you in Milwaukee on that occasion?

A. On the first occasion?

Q. The day you met Mr. Ralston?

A. Yes. We were holding a committee meeting there, a committee hearing.

Mr. Aylward: Just a question along the line Senator Bishop asked him:

Q. Who did you first inform you had made the announcement?

A. Mr. Mortensen.

Senator Browne:

Q. Mr. Johnson, did your committee receive any compensation?

A. It has not.

Q. Did you, as a member of that committee, receive any compensation?

A. I have not.

Q. Your work and the rest of the committee's work during the vacation was wholly gratuitous?

A. Yes, sir.

Q. All you received was your mileage and your expenses?

A. Yes, sir.

Mr. Aylward:

Q. These campaign expenses, if you can dignify them as such, you have paid those out of your own personal account?

A. Certainly.

Senator Browne: More fortunate than the democratic committee.

Mr. Aylward: That is in that he had it.

Mr. Aylward: I will call Mr. Ekern.

Senator Randolph: I will ask before Mr. Ekern is sworn—if counsel don't object I would like to have Mr. Belitz sworn first.

Mr. Aylward: I do not object.

ARTHUR F. BELITZ, being first duly sworn, on oath testified as follows:

Examined by Mr. Aylward:

Q. Mr. Belitz, what position are you holding?

A. I hold the position of assistant revisor for the state of Wisconsin.

Q. And did you prepare an order for the removal of Mr. Ekern as insurance commissioner.

A. I did not prepare an order. I prepared a form for an order.

Q. Prepared a form for an order. At whose request did you do that?

A. At the request, if I remember correctly, of Mr. Wilcox.

Q. And who is Mr. Wilcox?

A. The claim agent for the governor, so-called.

Q. Really the private attorney for the governor?

A. I believe his official title is generally called claim agent for the governor.

Q. But he is really the private attorney for the governor, is he not?

A. I cannot say as to that, Mr. Aylward. I don't believe he is. I think he holds a public office. I may not understand what you mean by the term "private."

Q. He is the private counsel or attorney for the governor, is he not?

A. He is. He is the counsel who assists the governor in his office.

Q. Were you present at the hearing in the governor's office on the morning of the 8th?

A. I was not present at the hearing? I was in one of the rooms of the Executive Office.

Q. At Mr. Wilcox's request?

A. At Mr. Wilcox's request. I was there for a short time. Simply long enough to draft the form for the order of removal.

Q. And in drafting the form you left blank the time at which the order should be signed, did you?

A. I did.

Q. Have you any record or means of identifying the time when it was that you prepared the order, the blank order, Mr. Belitz?

A. I have no record. I have a recollection of approximately the time.

Q. And what is your recollection of approximately the time?

A. It was about half past ten on the morning of the 8th.

Q. That, then, was some considerable time before the hearing was over, was it not?

A. Why, I was not present at the hearing and I cannot say when it was over.

Q. When was it that you saw Mr. Wilcox?

A. Mr. Wilcox telephoned to me at our office and I came down to the room used by the governor's stenographers and waited there perhaps a minute or two, and then Mr. Wilcox came into the room and—

Q. (interrupting) Told you what he wanted?

A. Yes.

Q. And in compliance with that request you then prepared the order?

A. Yes.

Q. And do you remember, Mr. Belitz, you were there before the hearing actually commenced, were you not, that morning, and spoke with me and spoke with Mr. Olbrich?

A. Why, yes. I do believe—I think I was there before nine o'clock in the morning.

Q. So Mr. Wilcox called you to prepare the order of removal before a single word of testimony had been taken, did he not?

A. Well, Mr. Aylward, Mr. Wilcox did not ask me or say anything to me about the order in the morning when I met you and Mr. Olbrich.

Q. I thought you said he told you when you came there, what he wanted.

A. I said that was at half past ten.

Q. When he called you down there originally, when he called you down before the meeting even met, before it was called to order—

A. (interrupting) He didn't call me down.

Q. Oh, you were down there then?

A. Yes.

Q. And you went back?

A. I was down there and I went back to the office.

Q. How did you know there was going to be a hearing there?

A. Oh, I knew there was going to be a hearing.

Q. How did you know it?

A. Because the day before I had helped Mr. Wilcox look up the Governor's power to remove.

Mr. Aylward: Good.

Q. So the day before, even before he called Ekern down there, you and Wilcox were consulting with respect to his power to remove, were you?

A. Yes, sir.

Q. You did not start to draw the order then, Mr. Belitz?

A. I did on the evening of the 7th.

Mr. Aylward: Good.

Q. You did on the evening of the 7th?

A. Yes.

Q. For a hearing which was to take place on the morning of the 8th?

A. Just one moment—

Q. Now, just answer my question.

Witness: Mr. Chairman, I ask the right to answer the question in my own way.

The Chairman: Isn't it possible for you to answer the question as put by the attorney, Mr. Belitz?

Witness: Well, I am not confined, am I, to an answer of "yes" or "no"? That would not be correct and true answer.

Mr. Aylward: I assume he will have every opportunity he wants, if he will answer my question.

Senator Kileen: Mr. Chairman, it doesn't seem to me it is necessary for the attorney to inject the words: "Good," and such remarks as that in this examination.

Mr. Aylward: I shouldn't have done it, and if I have committed offense—

(Last two or three questions read).

Mr. Aylward:

Q. Is that true, Mr. Belitz?

A. That is not true, Mr. Aylward.

Q. Was it true when you said—

A. (interrupting) Just a moment. Now, I want to answer this, please.

Mr. Aylward: You will have plenty of time.

Witness: Just let me answer your question, Mr. Aylward.

Mr. Aylward: Was it true when you said—

A. (interrupting) I didn't start to draw the order. I started to draw a form for an order.

Q. You started to draw a form for an order of suspension?

A. Yes.

Q. Or removal?

A. Or of removal under Section 970 of the statutes.

Q. What time in the evening was that?

A. That was approximately nine o'clock in the evening.

Q. Did you know when the Governor talked with Mr. Ekern?

A. No, I didn't know that.

Mr. Aylward: That is all.

The Chairman: Any member of the committee any questions to ask?

Senator Randolph: Mr. Chairman, I desire to ask the witness a few questions.

Examined by Senator Randolph:

Q. Mr. Belitz, you have testified that you are assistant revisor of the statutes?

A. Yes, sir.

Q. Do you hold your appointment by grace of the governor?

A. No, sir.

Q. Did Mr. Lyman G. Nash, revisor of the statutes, have any knowledge that you, during office hours, were drawing this form of removal?

A. I don't think he had any knowledge of that specific fact.

Q. You don't think he had any knowledge, directly or indirectly?

A. Not of that specific fact.

Q. Then you were not engaged in revising the statutes on that day?

A. Well, now, in explanation, Senator: Mr. Nash did know

I was looking up this question for the governor.

Examined by Senator Linley.

Q. Mr. Belitz, who spoke to you first about the matter?

A. I think it was Mr. Wilbur telephoned up to me about the middle of the afternoon of the 7th of January, and requested me to go down to the State Library and assist Mr. Wilcox in looking up a question of law which Mr. Wilcox would explain to me when I got down to the library.

Q. Did Mr. Wilcox tell you what the facts were connected with the matter?

A. He did not. He did not. Not at that time.

Q. Did you look up any subject of law at that time?

A. I did, that afternoon. I went down in response to the request, met Mr. Wilcox in the library, and the very first thing he informed me was that he was looking up the construction of section 970 of the statutes, and he wished me to run that statute down for him and tell him what it meant, and what the power of the governor was under that section.

Q. Did you have any facts in mind at all when you looked up the statute?

A. I didn't at first, but subsequently it gradually dawned on me that this might have an application to Mr. Ekern's case, because I had seen in the papers something about some trouble between the governor and Mr. Ekern.

Q. Did you make a written report of what you concluded in your examination?

A. I did not.

Q. Did you report to anyone of what your conclusion was?

A. I did to the governor. Mr. Wilcox and I jointly informed the governor of our opinion.

Q. Was that before you had learned the facts, or after?

A. That was after.

Q. How long after that was it you talked with Mr. Wilcox about the facts?

A. About the facts?

Q. Yes, about the facts involved in Mr. Ekern's case. You said at first you didn't know anything about it.

A. Well, that was in the evening. In the evening when I spoke with Mr. Wilcox about the facts in the case. After look-

ing up the question and coming to a conclusion, and advising the governor as to our conclusion, the governor requested us to draft forms for such a proceeding, and, in drafting those forms, Mr. Wilcox and I discussed the facts.

Q. What did Mr. Wilcox tell you were the facts?

A. Well, Senator, I don't remember just exactly how Mr. Wilcox stated those facts to me. We both of us sat down at the table. Mr. Wilcox had a lead pencil and some paper before him, and I believe I started out to dictate a form of an affidavit preferring charges—it was done in about this way: The first paragraph of that affidavit was drafted without any knowledge of the particular facts, on my part. After we had concluded the first paragraph I would suggest a form of language and state to Mr. Wilcox that would be the proper wording to go in, or, according to what the facts are, and left it to him to insert the statement regarding the facts.

Q. Do you mean to say you suggested a hypothetical case for the affidavit?

A. No, Senator. I suggested a form, a legal form. Knowing of course, in a general way, that the purpose of this proceeding was to investigate this trouble with Mr. Ekern with the possibility of an order of removal ensuing thereon.

Senator Burke:

Q. Mr. Belitz, are you an attorney at law?

A. Yes, sir.

Q. And familiar with the court procedure of the state of Wisconsin, aren't you?

A. I am, yes.

Q. Now, what is the proceeding as to the drafting of orders and judgment previous to hearings before courts on matters?

A. Well, those are generally—I may say almost always—prepared in advance.

Q. Yes. Anticipating—

A. Anticipating some action on the part of the court.

Q. And what is the proceeding, if you know it, as to drawing verdicts for juries in criminal actions? Isn't it the fact it is the custom in this state, it is the practice, the verdict of guilty is drawn up, and a verdict of not guilty, in anticipation of submitting it to the jury?

A. Well, I am not really competent to answer that question, Senator, because I have never handled a criminal case.

Q. But as to orders and judgments of the court, it is customary, in fact it is invariably the custom?

A. It is, in a civil action.

Q. And the dates are afterwards inserted with a pen?

A. Yes, sir.

Examined by Senator Bosshard:

Q. In response to the questions of the senator from Brown County, (Senator Burke) you stated it was customary in court procedure for the attorneys on both sides to prepare their findings, or verdicts, or judgments, in anticipation of a verdict or judgment in favor of either side?

A. I don't believe I so stated, but I think that is the custom, the practice, I should say. It is more than custom; it is practice.

Q. Is it ever the custom for the court trying the case to prepare a judgment in advance?

A. Not that I am aware.

Examined by Senator Skogmo:

Q. Was there more than one form of a finding or judgment drafted that evening?

A. No. The form that I began to draft was never finished that evening.

Q. Did you draft at any time more than one form?

A. Well, never more than one form at one time. I don't mean any disparagement at all, Senator. I drafted two forms of order. That is to say, I started on the evening of the 7th to draft a form for an order, and it was thought an order might not be necessary on the following day when the hearing was had. For that reason the drafting of the order I started on the 7th was not finished.

Q. Then the only form that you drafted is the form that is now submitted and that was used in the case?

A. That is the only form I completed.

Q. You drafted no form in case he should find there was no violation of the law, you drafted no form for that particular case?

A. No, I did not.

Q. The only form that was drafted was one to be used in case it was found that he had violated the statutes?

A. Yes. It did not occur to us at the time that any form would be necessary in case of a different order.

Examined by Senator Browne:

Q. When was it that you drafted this order that was finally used?

A. That was on the morning of the 8th of January.

Q. At what time?

A. It was after half past ten. As I say, I went down to the office at about half past ten. I couldn't tell exactly what time it was. It was about that time.

Examined by Senator Linley:

Q. You drafted the complaint too, didn't you, Mr. Belitz?

A. The complaint? By that you mean the affidavit?

Q. Yes.

A. The affidavit was drafted by Mr. Wilcox and I assisted in the drafting of it up by dictating forms and formal parts of that affidavit, and also suggested the form of language to be used after Mr. Wilcox had stated the facts in connection with the case. I suggested the form of the language to be used to state those facts.

Senator Randolph:

Q. Did you draft this form in the office of the revisor or in the office of the Governor?

A. In the office of the Governor.

Senator Linley:

Q. The complaint or the order?

A. The order. Also the affidavit.

Q. The affidavit was drafted there too?

A. The affidavit was drafted there and also the notice of hearing. The affidavit and the notice of hearing was drafted on the evening of the 7th.

Q. Did you advise the Governor there should be a hearing had?

A. I did. That is, it was the joint advice of Mr. Wilcox and myself after consultation and after a search of the library and reading the precedents.

Q. Did you advise him it was necessary for Mr. Ekern to be heard at that hearing?

A. I did. I was of opinion that it was necessary, and so advised him.

Mr. Aylward:

Q. Have you a copy of that opinion?

A. That was a verbal opinion, Mr. Aylward.

Q. And that was a verbal opinion that you worked out on Tuesday, that would be on the 7th?

A. Yes, sir.

Q. And when was it that you gave the Governor this verbal opinion?

A. It was the same afternoon. Now, it may have been in the evening. I think it was in the evening, after supper.

Senator Tomkins:

Q. Was that your opinion at the time you started to draft the first order?

A. That was my opinion and still is.

Mr. Aylward:

Q. In the order that you started to draw at half past ten, the only blank you left to fill in was the exact moment of time when the order was entered?

A. Yes, sir. And of course a blank for the signature. I did not fill it.

Examined by Senator Bosshard:

Q. I would like to ask, Mr. Belitz, did you and Mr. Wilcox and the Governor on final consultation, decide or reach a conclusion as a matter of law that a hearing was actually necessary?

A. Mr. Wilcox and I, after consultation, reached that conclusion and advised the governor to that effect.

Q. That a hearing was necessary?

A. That a hearing was necessary under Section 970 of the statutes.

Q. Do you know whether it was the intention on the part of the governor prior to that time to make the order of removal without a hearing?

A. I don't know.

Senator Linley:

Q. Did the Governor tell you that he intended to remove?

A. Prior to the time we gave our opinion?

Q. At any time you were preparing these papers?

A. Yes, he did.

Senator Randolph:

In the consultation you had with Mr. Wilcox did you advise the Governor to have a full and complete hearing?

A. Senator, I don't remember whether I used the words "full and complete hearing." I certainly did mean full and complete hearing in the eye of the law.

Q. But did you say: "full and complete hearing"?

A. I don't remember whether I used those terms.

Q. You don't recall?

A. No, I don't remember whether I used those terms. I don't believe I did.

Q. Did you think, Mr. Belitz, that just the pretense or showing of a hearing would be necessary. What conclusion did you come to?

A. No, I certainly did not tell that to the Governor as my conclusion, but I did state this further conclusion in that connection, and that was that the weight of the testimony brought in at the hearing and the conclusion reached by the Governor on those facts presented at the hearing were entirely within his jurisdiction. I did advise him to that effect, because that was the meaning of the words: "satisfactory proof".

Senator Husting:

Q. Did you advise the Governor that it might be dangerous to have no hearing whatever?

A. No, sir, I did not.

Q. Didn't you state to the Governor that it might be deemed a usurpation of power to remove an officer without a hearing when a hearing was contemplated by the statute?

A. I did say to him to the effect that the Michigan court had

decided that to remove an officer, when a statute prescribed a cause for removal, without a hearing, would be an arbitrary usurpation of power which would not be tolerated in a republican form of government.

Q. And which the courts might review?

A. No, I did not say that.

Q. Well, what did you advise him might be the consequence of usurpation of power?

A. I stated nothing with regard to consequences of usurpation of power.

Senator Zophy:

Q. Mr. Belitz, are you under Civil Service?

A. I am not under Civil Service.

Mr. Aylward:

Q. When you advised the Governor, Mr. Belitz, that after the testimony was in, that it was entirely within his discretion what he should do, you meant all the testimony was in, did you not?

A. No, I did not, Mr. Aylward. On the contrary, I advised the Governor further that it was entirely within his discretion as to how much testimony was to be admitted. If sufficient facts were admitted at the hearing to convince him that the proof was satisfactory it would be sufficient to base his conclusion upon.

Q. Well, if that were true then he could have just as one-sided a hearing, under your advice, as he wanted?

A. Well, I will say frankly my opinion is that that is what the statute means.

Q. Is that what the Michigan case holds?

A. I don't know whether the Michigan case holds that.

Q. The Michigan case to which you refer holds that it must be done in good faith, does it not?

A. Oh, yes, absolutely. Oh, yes. I hadn't any idea at all of advising the Governor that he might act in bad faith. Surely, it was assumed through our entire search and through out entire consultation that the proceedings must be in good faith.

Q. In good faith?

A. Oh, yes; absolutely.

Q. When you said, Mr. Belitz, you never heard of a judge who had his opinion already written before the hearing—

A. (interrupting) I didn't say that, Mr. Aylward.

Q. I thought you said you never heard of such a judge.

A. Well, you can have the record read.

Q. I thought you said you never heard of such a judge. Well, have you heard of judges, then, who have had their judgment all written out except just the date of entry, prior to their taking testimony?

A. Well, now, it would take me some time to try to recall all the instances.

Q. Well, don't try to recall them all. Give me a single instance?

A. I don't remember any, no.

Q. You have heard of Lord Bacon, haven't you?

A. Yes, I think I have.

Senator Burke:

Q. Mr. Belitz, I want to ask you this question: Mr. Aylward, from his questions, has given the impression that the judge prepares orders and judgments. Now, the practice in this state is that the attorneys prepare these orders and judgments in advance sometimes, is that a fact?

A. Well, the orders.

Q. And there is no judgments on orders prepared by any judge?

A. No. But judgments, Senator, I do not believe are prepared in advance.

Q. Well, there are in default cases judgments?

A. Well, now, of course it all depends on what you mean by "judgments". If it is an order, orders are always prepared in advance.

Q. Well, in default divorce cases aren't judgments prepared in advance?

A. Yes, sir, that is true, in divorce cases.

Senator Randolph: Mr. Chairman, I move you the committee do now rise and report progress.

The motion prevailed.

At 5:30 o'clock P. M., The committee of the whole arose.

The President in the Chair.

Senator Scott: Mr. President, I have to report that the committee has made progress.

Senate Chamber, Madison, Wisconsin.

February 5, 1913, 7:30 o'clock P. M.

The Senate was called to order by the President.

Upon motion of Senator Randolph,

The Senate resolved itself into a committee of the whole.

Senator Scott in the Chair.

The Chairman: Senators, what is the further pleasure of the committee?

Senator Teasdale: I would ask that the last witness on the stand be requested to take the stand for a question or two.

The Chairman: The last witness will take the stand. Mr. Belitz, consider yourself under oath.

ARTHUR F. BELITZ thereupon resumed the stand for further examination, testified as follows:

Examined by Senator Teasdale:

Q. Mr. Belitz, in reply to a question from Senator Linley you stated before the recess that you had had a talk with the governor in regard to the removal of Mr. Ekern?

A. Yes, sir.

Q. When did that conversation take place?

A. That took place on the evening of the 7th of January.

Q. And where?

A. In the governor's office.

Q. Was there anything further said at that time, any further conversation between the governor and you in reference to this matter?

A. Well, now, Senator, if I may I would like to put that into my own words.

Senator Teasdale: I would ask you to state what further was said at that time between the governor and you.

Mr. Belitz: Now, I wish to state first that the question of Senator Linley and also this question puts me in a rather delicate position. It may be there is a question involved of con-

fidential relations. I acted in that matter as legal advisor of the governor. I am not aware that the privilege of confidential relations can be invoked in a Senate hearing. On the other hand, I am not aware that the governor objects at all to my testifying as to what occurred there. There has been no objection made, and I will state that when Mr. Wilcox and I on the evening of the 7th went into the governor's office to inform him as to our conclusion from our search that day, the facts with reference to which the governor wished to be advised concerned the matter of the removal of Mr. Ekern. Those facts had been stated to me by Mr. Wilcox in the drafting of the forms. I stated the opinion when we spoke with the governor. I am afraid I cannot repeat the exact words that were used, but in substance I stated that if the facts were as stated to me by Mr. Wilcox perhaps an order of removal was justified. I stated further to the governor that, under the circumstances of the case, in view of the fact that although the headquarters, although opened, were not visited by anybody during that day, and also the further fact of the result of the caucus held that morning, indicated to me a disposition on the part of Mr. Ekern and Mr. Ekern's friends to comply with the wishes of the governor in the matter, and, in view of that fact, I recommended lenient action on the part of the governor. It was in response to that suggestion that the governor, as I remember it, stated that he believed Mr. Ekern would continue to make trouble anyhow, and it was just a question of time when he would have to be removed.

Senator Linley:

Q. Did he state what the trouble was, Mr. Belitz?

A. Political interference with the plans and program, not only of the executive, but also of the legislature.

Q. Well, did you tell the governor that if Mr. Ekern stated to him that he would comply with his wishes and endeavor to do so that that would remove any objections to his removal?

A. The words I used were substantially that if Mr. Ekern would so state to the governor that then the dignity of the executive office was sufficiently safeguarded.

Q. No, but did you tell the governor, as a legal offense, it would be a condonation of any such offense, if there was any violation of law?

A. I don't quite catch the question, Senator.

Q. Did you tell the Governor that if he had required certain things of Mr. Ekern, gave him his views, and that Mr. Ekern yielded to the views of the Governor and said that he would try to comply with them, and did try to comply with them, whether there would be ground for his removal after that? Did you advise the Governor upon that?

A. I didn't advise him to that effect, Senator.

Q. Didn't you tell him he would not have good grounds for removal if that were true?

A. No, I didn't tell him that.

Q. You advised him—What?

A. I didn't tell him that.

Q. But you thought so?

A. I recognized—

Q. (interrupting) But you thought so?

A. I recognized—

Q. (interrupting) But you thought so. What?

A. No, I didn't think so, and that is why I am so certain I didn't so state.

Q. Well, what did you think? Did you advise him what to do if he did do that?

A. I thought, as a matter of policy, and as a matter of fairness to Mr. Ekern, that if he so stated to the Governor, that the dignity of the Governor's office would be sufficiently safeguarded if he simply reprimanded Mr. Ekern instead of ordering his removal.

Q. Did the Governor have you look up the question of the power to remove during the recess of the legislature, what constituted a recess?

A. Not the question of what constituted a recess. We did not make any such—we simply derived that directly from the wording of Section 970 of the statutes.

Q. Did you advise the Governor that he would have to act before Twelve o'clock noon, if he acted at all?

A. I did.

Examined by Senator Bishop:

Q. Did you, after drafting the complaint that was made against Mr. Ekern, and the order removing Mr. Ekern, did you go over those with Mr. Wilcox and the Governor?

A. The complaint or affidavit was drafted on the evening of the 7th. When that had been placed in writing, in pencil, we submitted the forms to the Governor and it is then when our interview occurred. Now, the order was drafted on the next day, Senator, but with the order I simply drafted the form, and asked Miss Johnson to typewrite it, and then I left it. The form was handed to Mr. Wilcox, as I remember, and I then left the office and went back to our own office.

Q. I believe you testified that you went over that order with Mr. Wilcox?

A. Not with the order, Senator.

Q. Well, did you go over that order with the Governor?

A. No, sir.

Examined by Senator Husting:

Was it any part of your duties, Mr. Belitz, to act as advisor to the Governor?

A. I did not quite hear you.

Q. Was it any part of your official duties, as assistant revisor of the statutes, to advise the Governor on official matters of that character?

A. Now, I am glad you asked that question, Senator. May I answer that in my own words?

Senator Husting: Yes.

A. During the session of the legislature in 1911 the policy was suggested to us in the work of revision of the statutes that many errors in legislation might be gotten out of the statutes before they became law if we could examine the enrolled acts before they were signed by the Governor. In pursuance of that suggestion I went down to the Governor's office and assisted the Governor's legal agent to examine the Governor's enrolled acts before they were signed by the Governor. That policy worked out very nicely during the session. The same arrangement was made during the present session of the legislature. Now, as an incident to that duty some times enrolled acts and laws were put up to us and examined by us, and in the same way this question came up in regard to my duty of examining enrolled acts.

Q. As I understand, did you not pass upon the merits of this particular case whether or not, under the stated facts, Mr. Ekern should be dismissed?

A. Yes, I did only once, Senator, and that for the purpose of recommending leniency in the case.

Q. Were you ever associated with Governor McGovern in business?

A. I was for some years associated with him in the practice of law in Milwaukee.

Q. What year?

A. I went there in the year 1907, and remained there until the year 1910.

Q. When you assumed your duties here at Madison?

A. I came directly from their office.

Q. Now, in discussing what would amount to a hearing, was anything discussed between you as to how far the defendant, Mr. Ekern, would be permitted to bring in a defense?

A. A defense?

Q. Yes.

A. I believe I suggested to the Governor that it would meet the clause of the statutes if he merely called in Mr. Ekern himself and took his testimony, in view of the fact that a number of the facts were within the personal knowledge of the Governor himself.

Q. Well, was it not discussed that the statute might be satisfied by a show of a hearing instead of a real hearing?

A. No, sir, that was not discussed nor mentioned. We acted all the way through, at least I know I did, I believe Mr. Wilcox did, in absolute faith, and I believe that also of the Governor.

Q. It was discussed, though, that at any rate the hearing must be determined at noon?

A. Oh, yes.

Q. Now, in preparing the form, as you say, in submitting the same to the Governor, what did that form contain?

A. You mean the form of the order?

Q. Yes, order of dismissal?

A. Well, I know what the order contained, but I want to say I did not submit that form of the order to the Governor. I wasn't there at all. It was handed to Mr. Wilcox, I believe it was, or it may have been Mr. Wilbur, but I think it was Mr. Wilcox, after it was drafted. Now, that form contained—May I see that form a minute Mr. Aylward?

(Witness handed order).

A. (continued) That form contained everything that is now in typewriting in the order on file here.

Q. Then what you call the form was practically a complete order of dismissal?

A. Yes.

Q. Except the date?

A. And the signature of the Governor.

Q. And the signature of the Governor?

A. Yes.

Q. So the order, in substance, was drawn the night before?

A. Oh, no, no. Now, don't mistake.

Q. I am speaking now of the night before.

A. The order that was drafted the night before went into the waste basket. It was never completed. I started to draft an order. I submitted that draft-incidentally the Governor came in while I was drafting that. I submitted that form both to the Governor and Mr. Wilcox, and I believe Mr. Wilbur was there at the time. The Governor thereupon suggested that it might not be necessary to use that order at all and therefore he would not draft it until the necessity for it would appear on the next day.

Q. Who informed you the next day there was a necessity for the drafting of the order?

A. I was called down on the telephone by Mr. Wilcox, I believe.

Q. Did Mr. Wilcox take any part in this examination?

A. The examination?

Q. Yes.

A. Well, I understand he did, but I wasn't present at the hearing.

Q. And at what hour were you called down there?

A. It was about half past ten.

Q. And when was the order completed?

A. You mean the form?

Q. Yes, when did you dictate the form of the order and complete it, except the date and the signature?

A. The order was not dictated. It was written by me in longhand with a lead pencil.

Q. When?

A. On that morning. On the morning of the 8th.

Q. And then transcribed on the typewriter?

A. And then transcribed on the typewriter.

Q. Well, now, at what hour did you write that down in long hand?

A. At about half past ten and after.

Q. And what time was the typewritten copy completed?

A. Well, it was—oh, I should think within half an hour. Now, I couldn't tell exactly how long it took, but I think it took me about ten minutes to draft the order.

Q. Did you have any data upon which you drafted that order?

A. Well, the data was simply the data I remembered from my conference of the previous evening.

Q. Mr. Wilcox had not informed you of any of the substance of what had been brought out on the hearing?

A. I knew nothing of what had been brought out on the hearing.

Examined by Senator Burke:

Q. Mr. Belitz, as I understood you in your examination before the evening meal, you said there was no order drafted by you for the purpose of dismissing the complaint, or if the charges were found to be unfounded and untrue. Is that correct?

A. That is correct.

Q. And I further understood you to say that it was your interpretation of the law that if the charges were found to be untrue there was no necessity for entering such an order?

A. That was the idea I had, at any rate.

Examined by Senator Skogmo:

Q. To whom did you hand the order after it was drafted?

A. I think it was to Mr. Wilcox. I think Mr. Wilcox came in and I handed the order to him.

Q. didn't you hand the order to Miss Sims, the stenographer?

A. I don't believe Miss Sims was there at the time. I don't remember, though I am pretty sure I didn't hand the order to her.

Q. After the order was typewritten did you see it?

A. Yes, I saw it. In fact, I followed it as it was copied by Miss Johnson. Miss Johnson copied it.

Q. Well, you didn't hand the original draft to Miss Johnson?

A. I believe I did. I believe I did. I believe I handed the draft to her and asked her to typewrite it.

Q. That was about ten o'clock, about eleven o'clock?

A. My recollection is it was somewhere between half past ten and eleven.

Q. You waited for her to typewrite it?

A. Well, I stayed there until she had it typewritten.

Q. And you saw it and passed upon it after it had been typewritten?

A. I did not pass upon it.

Q. Well, you saw it?

A. I saw it, and saw that it conformed to my draft.

Q. And that was probably before eleven o'clock, or about eleven o'clock?

A. Well, in all probability it was. That is my recollection now, that there was no more time consumed than about a half an hour in the drafting of it.

Examined by Senator Linley:

Q. Now, Mr. Belitz, did you advise the governor that the power of removal was primarily with the legislature?

A. No, sir.

Q. Did not advise him?

A. I advised him to the contrary.

Q. Did you discuss that with him at all?

A. Oh, yes, that was the substance of our consultation, and conclusion, and advise to the governor, that the power of removal during a recess of the legislature rested with the governor.

Q. But the power of removal primarily laid with the legislature?

A. Oh, no. No, I gave no such advice. I gave no such advice.

Q. There was no question about the fact but what when the legislature was in session the governor could not act?

A. Well, that is true. When the legislature is in session the governor could not act under that section.

Q. Well, did you advise the governor, being so close to the meeting of the legislature, to lay all of his information before the legislature and let them act?

A. No, sir.

Q. Was that discussed at all?

A. No, sir, that was not discussed; as far as I know.

Q. Did the governor give any reason for acting within a few minutes before the meeting of the legislature?

A. I don't believe he did, Senator, except in that conversation that I have already related which took place on the evening of the 7th, and only to that extent, so far as I know.

Examined by Senator Randolph:

Q. Mr. Belitz, you testified that you had previously, in the past session of the legislature, advised the governor in a legal capacity and passed on enrolled bills, did you not?

A. Yes, sir.

Q. And you testified that those arrangements were made to do this work?

A. Yes.

Q. With whose consent? With Mr. Nash's consent, with the governor, or who makes the arrangements with that office?

A. Well, now, I want to have Mr. Nash's position clearly understood there.

Q. That is what I want to know.

A. The suggestion in 1911 was made more strongly to me than to Mr. Nash, and I mentioned the fact to Mr. Nash that I thought that a good plan. He did not at that time object to the procedure, but he expressed the fear that it might lead us into politics. Now, when the question came up again during this session, Mr. Nash at first objected to my acting in the capacity, but the governor requested me again to so act, and I then put the question up to Mr. Nash and to the governor, and the governor asked Mr. Nash to come down and see him and they had a conference as the result of which the arrangement was made.

Q. How much of your time—does it take a great deal of your time for that work?

A. Well, there is really—really it doesn't take any more of my time to look over those bills in the governor's office than it would to look them over in our own office. I would have to

look them over in our own office to prepare them for the printer, also for the purpose of remedying any defects or errors in the statutes.

Q. Hasn't the governor got assistants there for that same purpose?

A. Oh, yes.

Q. Hasn't he special counsel for that?

A. He has a claim agent in his office who acts as legal advisor to the Governor.

Q. And he also wanted another one?

A. Yes. The reason for that was that it was stated to us that the work of looking over those bills was too much for one man.

Q. You did not draw any extra compensation for this work, did you?

A. No sir.

Examined by Senator Linley:

Q. Well, Mr. Belitz, in your different conversations was any reason given why the legislature should not act?

A. No, there was no—that branch of the question, Senator, was not discussed at all, as far as I know.

Q. It was not thought that the legislature would be unfair or prejudiced?

A. The legislature was not—the question of submitting it to the legislature was not discussed at all, Senator.

Q. Was not discussed at all?

A. No, sir.

Examined by Mr. Aylward:

Q. Mr. Belitz, what reason, or why did you tell the Governor that he would have to get through with the hearing before twelve o'clock?

A. The statute, section 970—a construction of that statute, as I stated to the Governor, required him to make the removal during recess of the legislature.

Q. In other words—

A. In other words, the removal would have no validity unless it were made in the recess of the legislature.

Q. Then it was a race to see whether he could get through so the legislature would not have anything to say about it?

A. Well, I really haven't the facts to answer that question, Mr. Aylward.

Q. Well, you told him—

A. I didn't tell him anything about races.

Q. You gave your judgment as a lawyer that unless he got through by twelve o'clock that then it would have to be up to the legislature, and they would have to pass on it?

A. I advised him his power to remove would pass with the recess of the legislature.

Q. And his effort to get through at twelve o'clock was to prevent his submitting it to the legislature, or to the senate. That was the point, wasn't it?

A. Well, I don't know whether that was his effort. Now, you are asking me to define the intentions of the Governor and I cannot do that.

Q. Well, you told him that if he did not get through by twelve o'clock that then it would be up to the legislature?

A. As I answered before, I advised him that his power to remove an officer under Section 970 of the statutes would expire with the recess of the legislature.

Q. Now, you just stated, Mr. Belitz, that you came down there at 10:30, about 10:30, and it took you about ten minutes to prepare the order.

A. To draft the order, to make a pencil copy of the form.

Q. So you started dictating it then about 10:40 and were easily through by eleven o'clock?

A. Well, yes. I think we got through. But I didn't dictate it.

Q. You said you followed it on the machine until it was finished?

A. It was copied. Miss Johnson took my copy, laid it on her desk and copied it. I simply stood there and followed her as she copied it.

Q. So it was completed by eleven o'clock at least?

A. I think so.

Q. You heard the testimony read this afternoon where the Governor stated to Mr. Ekern that he had commenced his testimony at eleven o'clock. So this order of removal, then, was prepared by you and typewritten before Ekern's testimony had been commenced. That is the fact, isn't it? If the stenograph-

er's statement in the deposition, or the testimony read this afternoon is true?

A. Well, really, Mr. Aylward—

Q. (interrupting) Just a moment. If the Governor's statement in the hearing at his own office, read this afternoon, is true, that Mr. Ekern's testimony commenced at eleven o'clock, then the order was not only prepared and written by you, but was also typewritten and ready for his signature before Ekern's testimony commenced?

A. Well, now, Mr. Aylward —

Q. (interrupting) isn't that true?

A. I must decline to answer that question because you are asking me to draw conclusions from the statement.

Q. If the Governor's statement is true.

A. As I say, you are asking me to draw a conclusion, and, as a lawyer, you know that is improper.

Q. Well, if that is true, that is a proper—

Mr. Belitz: I ask the ruling of the Chair, whether I am compelled to state a conclusion.

The Chairman: It appears to the Chair the question is a reasonable one.

Senator Kileen: Doesn't that necessarily follow as the witness answered it? Can't we all see that?

Mr. Aylward: I think that's right. I won't insist on it.

The Chairman: That is one reason why I think the witness could answer quickly and have it all out of the way.

Mr. Belitz: Mr. Chairman, of course I am pleased to come here and testify to any facts I might know, but I regret very much that I was drawn into this in the first place because I am not in politics and never have been. Now, I do not think it is fair to ask me to draw any conclusions from the testimony or to introduce any arguments into my testimony.

Mr. Aylward: I won't insist on the answer, if the Chair please.

Q. Mr. Belitz, in this matter you understood that a definite sworn complaint had been filed, didn't you?

A. Yes, sir.

Q. And you knew that an order to show cause had been served on Mr. Ekern?

A. I didn't know that it had been served.

Q. Well you prepared it?

A. I prepared it.

Q. And you knew that a hearing was being had?

A. Well, yes. I knew—

Q. Now, do you wish, in answer to Senator Burke, to be understood as saying that when a complaint and a verified complaint is filed and an order to show cause is served, and there is a hearing had, that it is not just as necessary to file an order finding no cause of action as it is to file an order of cause of action?

A. Well, I will say, Mr. Aylward, that I—at the time that these papers were prepared I had no idea that there was any necessity of drafting any order to the effect that Mr. Ekern was discharged.

Q. That he was discharged. Didn't you think it just as necessary to prepare one order as to prepare the other?

A. I did not at the time, Mr. Aylward.

Q. You would want to leave the records of this state with a verified complaint against the commissioner and order to show cause, and a public hearing, and no finding that he was dismissed?

A. If there was no order on file or record to show he was removed—

Q. There would be no record at all, would there?

A. There would be no record, and that fact would indicate he was not removed.

Q. Is that the way courts do? Don't, when an order to show cause is issued, whichever way it is decided, doesn't the court make its order?

A. The court does, surely. But this was not a court proceeding, Mr. Aylward.

Q. I understand it was not. Now, then, you said, Mr. Belitz, that after you had talked with the Governor and on the facts as stated by Wilcox and the Governor, you recommended lenient action, and that the Governor stated to you that he believed Ekern would continue to make trouble anyhow and he would have to be removed some time. Well, did you understand from that that the Governor was anticipating Ekern's misconduct?

A. In this particular case?

Q. From his statement?

A. That he was anticipating his misconduct when? I don't understand your —

Q. (interrupting) In the future?

A. Yes.

Q. And therefore was going to discharge him anyhow?

A. Yes, that was my understanding.

Q. From his statement?

A. But not that you have added just now. Not that that was the reason why he would suspend him now.

Q. Isn't that what you said?

A. No, sir, it is not what I said.

Q. Did the Governor say he believed Ekern would continue to make trouble anyhow?

A. Yes.

Q. And did he say he would have to suspend him or remove him some time?

A. On account of the trouble that he would probably make.

Q. Oh, that's it. Yes. What was the dignity of the Governor that you were trying to safeguard?

A. The dignity of the Governor's office. Mr. Aylward. I have always had a very high respect for the highest executive office in the state.

Q. So have I, but what was it that you and the Governor and Mr. Wilcox were laboring so laborously to safeguard that night?

A. I don't quite catch your question. Will you read that, please, Mr. Reporter?

(Question read).

A. Well, now, that really calls for an expression of opinion.

Q. Well, I won't ask you for an expression of opinion.

A. Will be perfectly pleased to answer you.

Mr. Aylward. That is all, so far as we are concerned.

The Chairman: The witness is excused.

HERMAN L. EKERN, being first duly sworn, on oath testified as follows:

Examined by Mr. Aylward:

Q. You are the commissioner of insurance of this state, are you?

A. I am.

Q. How long have you been the commissioner of insurance?

A. Since the first Monday in January, 1911.

Q. Had you, prior to that time had service in that office?

A. I served two years as deputy commissioner.

Q. And prior to that time you were in the legislature, were you?

A. Yes, since 1903.

Q. And had you, while you were in the legislature, had experience in connection with the insurance department, insurance business of the state?

A. I was a member of the committee of the legislature that investigated life insurance in 1905 and 1906, appointed by the session of 1905, and I took part in framing the report of the committee and presenting it to the legislature of 1907. During that session considerable life insurance legislation was enacted. I had part in that work.

Q. You say you were elected to the present office when?

A. In the fall of 1910.

Q. You did not serve your term then? There was a change in the law?

A. There was a change in the law in, I think, in May, or the first part of June, 1911. The office was made appointive, for a four year term, to begin—well, the appointment was made to begin July 1, 1911, and the remainder of my elective term was merged in the appointed term.

Q. Then your elective term would not have expired until January the 8th, of this year?

A. Not until this year.

Q. And you were appointed by whom?

A. I was appointed by the Governor, with the advice and consent of the senate.

Q. Did you solicit the appointment, either personally or directly or indirectly?

A. I did not. I did not see the Governor in regard to it.

Q. State very briefly, the work, the scope of the work of the department.

A. Well, the insurance department has a general supervision over the business of all insurance companies and insurance associations and societies. That supervision consists of licensing companies upon examination, and the renewals of such licenses each year, and incidental examinations of com-

panies as required from time to time. In addition to that the insurance department administers the state fire insurance fund, which covers all the state property, and the property of such counties as choose to come in. The department also has charge of the administration of the state life insurance fund. That has just been inaugurated, as the result of a law enacted in 1911. It also has the supervision of promotion of insurance corporations, under a recent law.

Q. You also collect insurance fees?

A. Yes, the department collects almost a million dollars a year.

Q. What is the fact, Mr. Ekern, whether upon the 5th, 7th and 8th of January of this year, and between the 1st and the 8th, the work of the department had been neglected, or what was the condition of the work of the department at that time?

A. Well, the work of the department has been kept right up to date all the time. I have never heard any suggestion of any neglect of the work of the department.

Q. There has been no neglect, then, on your part, or on the part of any of the men under you?

A. Not to my knowledge. I believe the work of the employees is very efficiently performed.

Q. Is there any suit pending, Mr. Ekern, so far as you know, to try the title to the office of insurance commissioner in this state?

A. There is no suit pending to try the title. The only suit that is pending is one to restrain an attempt to take possession of the office by force.

Q. At the last session of the legislature, Mr. Ekern, there was a law passed respecting the investigation of fire insurance companies in this state, was there?

A. Well, there was a resolution passed requiring the investigation of the entire business of fire insurance, and the matter of preventing fires. That resolution provided for a legislative committee of seven members, and required that the insurance commissioner should, through himself and the employees of the department, assist in that investigation, or "coöperate" was the language of the resolution.

Q. And that committee has done a large amount of work in that connection, has it?

A. The committee has taken testimony through about fourteen weeks. Not through the entire week each time, but it has sat through a good deal of fourteen weeks during the last year and a half.

Q. Where did this committee have its quarters assigned in the capitol Building?

A. Well, owing to the congestion by reason of the building of the capitol, and the tearing down, there could not be any separate quarters obtained in the Capitol, and we took the insurance committee into the department, and they were assigned a small room that had been used by some of our clerks. We had an extension telephone put in there and that served as the quarters for the committee.

Q. What is the fact as to whether the committee has been obliged to work in the general rooms of the department besides this small room that was set aside for them?

A. Well, the room was rather too small for the committee work and a great deal of the work was done in my private office, or in my working office.

Q. Mr. L. L. Johnson had what relation to this committee?

A. He was the secretary of the committee.

Q. And has he devoted a large amount of time, especially during the past six months, to the work of that committee?

A. Well, he has devoted practically all his time during the last year and a half to that committee, excepting the time that he has worked as an examiner for the insurance department. So far as I know, Mr. Johnson hasn't done any work outside of some work as examiner for my department.

Q. Has it been then necessary in the performance of his duties in that respect for him to be very frequently in and out and around about the insurance department?

A. Oh, yes, yes. Sure. The work was done very largely in my office when the committee was not out on the hearings.

Q. What is the fact, Mr. Ekern as to whether you had anything to do with bringing out Mr. Johnson as a candidate for the speakership?

A. I did not.

Q. Did he consult with you, prior to his announcement as a candidate, the advisability of his becoming a candidate?

A. I did not know of his coming out as a candidate, and I

do not think he consulted with me. I do not recollect that he did.

Q. What is the fact as to whether, during the time set out in this complaint, from the 1st day of January to the 8th day of January of this year, you did anything respecting the promotion of his candidacy—or, to separate it—have you written any letters urging or promoting the candidacy of Mr. Johnson?

A. I have not.

Q. Did you have anything to do with the writing or the sending of the letters that he says he sent to the members of the legislature?

A. I have never seen that letter, and had nothing to do with it.

Q. Did you know that it had been sent or was to be sent until some time after it had been sent?

A. I don't think I knew anything about it. I think I had heard some talk about his having written to the members.

Q. What is the fact, Mr. Ekern, as to whether between the times alleged by the Governor, January the 1st and January the 8th, you saw members of the legislature with respect to Johnson's candidacy?

A. Why, I did not see members of the legislature particularly with regard to Johnson's candidacy. A number of the members of the legislature were in my office and the matter of the speakership was brought up, in a different way.

Q. Well, state all there is of it, or was of it.

A. I do not recall now that there were any of the members of the legislature in my office prior to the Monday preceding the convening of the legislature. That was the 6th. There might have been, but if there were I am quite sure there was no talk about the speakership. On that Monday, that was Inaugural Day, there were a great many members in.

Q. Well, did you talk with any of them respecting the speakership? If so, who were they and what was said?

A. I cannot recall definitely that I talked with any one on Monday of those who were in the office. It is possible that the matter was discussed or touched upon in my talk with Judge Rosa and Richard. I notice there is some confusion in the testimony as reported. There is a little difference in the report

of the two stenographers before the Governor, and the indication there is that I testified that I had talked with them about the speakership. The hearing before the Governor was a little bit hurried and I had had no time to think about this, and, thinking it over further, I am not certain that the speakership was discussed with either Rosa or Richards, but it may have been. I would not be positive as to that. I was asked by Mr. Grinde, a member from my county, about the speakership.

Q. Just state what was said?

A. In asking me he told me that he was for Mr. Hull, and asked me in a general way what I thought about it, whether that was all right, and I told him that personally I was friendly to Mr. Johnson, that the services he had rendered to the state in the work on the investigation committee were of considerable value, and that I had learned to respect his ability through close acquaintance, and that I thought he was a proper man for that position. I also had a talk with Mr. Allison, the member from Buffalo county, in which a number of matters were touched upon, and the matter of the speakership was touched upon in that talk. Mr. Allison also told me he was for Hull.

Q. You were discussing with Allison the matter of the Modern Woodmen Insurance, were you not?

A. Mr. Allison brought up quite a number of things. We discussed several phases of insurance and several phases of legislative policy.

Q. What talk was there, if any, when Judge Rosa and Mr. Richards were there?

A. Well, the talk turned mostly on the broad political situation. There was some discussion of the differences between the Governor and Senator LaFollette, and the question was discussed as to whether there was a conflict between the Governor and Senator LaFollette.

Q. What did you say, if anything, respecting that?

A. Well, I made the statement that there was a contest on between the Governor and Senator LaFollette.

Q. In the speakership?

A. No, no. Broadly. Referring to the general political situation.

Q. There is some statement or testimony in the hearing be-

fore the Governor with respect to how Mr. Richards happened to come to your office. What is the fact as to whether you sent for him to consult on the speakership matter or not?

A. I did not send for him.

Q. How did he happen to come there, if you know?

A. Mr. Thomas told me that he wanted my assistance on a matter entirely apart from any legislative or political matter, and I told Mr. Thomas I would be very glad to do anything I could.

Q. This was a talk over the phone?

A. Over the telephone. And he then told me that Mr. Richards would be down, and said that Mr. Richards would call on me.

Q. With respect to the speakership or this other matter?

A. This other matter, and I told him I would be very glad to see him and talk the whole matter over with him.

Q. In that examination the Governor asked you if you did not telephone to Mr. Thomas to have Mr. Richards come in and discuss the speakership matter with you. Did you ever telephone Mr. Thomas any such thing?

A. I did not.

Q. Did you ever request to have Thomas ask Richards to come in and see you on any such matter?

A. I did not. Mr. Thomas made the statement that Richards would come and see me on this other matter.

Q. What is the fact as to whether you tried to influence Judge Rosa or Mr. Richards in any way in respect to their vote on the speakership matter?

A. Why, I did not consider that I was influencing them particularly on the speakership matter one way or another. I had in mind the broader, larger, political situation in our discussion, and that is what we really discussed.

Q. Now, was there any other member of the legislature during the time specified by the Governor that you discussed the matter with?

A. I don't recall. Now, Mr. Holmes would come into my office nearly every day and ask for news. He was doing reporting work, and it is barely possible that during this time he may have asked me about the speakership; what I knew about it. I don't recall that. That is quite probable because he would ask about everything that was going on.

Q. What is the fact, Mr. Ekern, as to whether Mr. Johnson had any political committee, so far as you know?

A. Why, I never heard that he had one, or knew that he had one, and it is my opinion that he did not have one.

Q. If he did, were you chairman of any such committee?

A. I did not act as chairman or as a member, or under any such committee.

Q. Did you in any way attempt to control, or to guide, or to run, Mr. Johnson's affairs in relation to the speakership?

A. I did not.

Q. At this time what is the fact as to whether or not for weeks and weeks you and Mr. Johnson had been giving your undivided time to the work of the office, especially to this investigation?

A. Our hearings were concluded the very last part of November. It was expected that we would have been able to have made out, completed, our report in the first part of December. I was obliged to go to New York to attend a meeting of the National Commissioners' Convention, and we took up the work again about the 10th of December, I think, on my return, and we were trying to push that through. We found that we had more material and more difficulties to contend with than we had anticipated, and we were obliged to put in all the time right through the Christmas Holidays.

Q. Worked days and nights, Sundays, did you?

A. We worked days and nights and holidays.

Q. And you were there on the holiday of January 1st, were you?

A. We were, yes.

Q. Mr. Johnson was there?

A. Mr. Johnson was there.

Q. What took place, Mr. Ekern, so far as your having to do with securing rooms at the Avenue Hotel? What conversation did you have with Mr. Gifford, and how did it come about?

A. Mr. Johnson said something about his wanting to secure some rooms for headquarters during the time the members were coming in, and, as I recall it, made some inquiry about what I had done when I was a candidate for speaker. I think he suggested that he thought the rooms at the Avenue—that there were rooms at the Avenue, that he understood I had used them,

and I told him about those rooms, and I asked him why he didn't call Mr. Gifford and reserve the rooms, and he said he was not familiar with the rooms, could not describe them, said he didn't know Gifford very well, and he asked me if I would not call him, and I reached over and took the telephone and got Mr. Gifford on the telephone and I asked him if the rooms had been reserved. He told me: "No," and I asked him to reserve them for Monday and Tuesday. Mr. Gifford said he would. Mr. Gifford came over the following day, I think it was. I know I had a lot of people in the office and he came into the other room and motioned to me to come out, and I stepped out, and he asked about the rooms, what was wanted in them. I said I didn't know, and he asked whether any chairs would be wanted. I said there might be possibly thirty or forty people and, he said something about arranging for chairs, and went away. When we had the telephone conversation, as I remember it, Mr. Johnson said he would see Mr. Gifford. I gave no further thought to it, and did not think anything more about it until I was over at the Avenue Hotel for lunch, and something was said over there about the rooms. I have not been able to recall just whether I spoke to Mr. Gifford or only to the boy there, but anyway I had nothing further to do with the rooms.

Q. Well, just what was said? You say something was said. What was it?

A. I cannot recall whether when I first came into lunch—I came in alone—Mr. Gifford spoke to me or I spoke to him, about the rooms, and there was something said about Mr. Johnson taking those rooms. That is all there was to it.

Q. And that is all the conversation you ever had with Mr. Gifford or anyone else respecting the rooms, is it?

A. That was all.

Q. Did you ever see the rooms?

A. No.

Q. Never visited them?

(Witness nods head negatively).

Q. Did you ever send anybody to the rooms?

A. No.

Q. Did you ever know what use was made of them?

A. No. I have no knowledge what use was made of them.

Q. Did you ever have any control over them either directly or indirectly?

A. None. I did not.

Q. Did you assume any responsibility with respect to them, directly or indirectly?

A. No, I did not.

Q. Could you close them if you wanted to?

A. No, I had nothing to do with the rooms. As I understood it, Mr. Johnson went in there and took the rooms, and I had nothing to do with it.

Q. You were called to the Governor's office about the 6th of January, were you, Mr. Ekern?

A. About nine o'clock in the evening I was in my office, and Mr. Wilbur called up and asked me if I would step over to the Governor's office. I told him I would. Soon after Mr. Essmann called me and made the same request. I told him I had already talked with Mr. Wilbur. I went over to the Governors' office and waited there awhile. Some one else was with the Governor, and when this gentleman came out the Governor came to the door, Mr. Wilbur went in, and I went in, and the Governor came in.

Q. You had been at the Governors' office a good many times during recent years, had you not?

A. Yes, I was there off and on quite frequently.

Q. Had it ever happened before that Mr. Wilbur went in and stayed there while you and the Governor were talking?

A. I don't recall that he ever was present before.

Q. There was no business or occasion for his being there that evening, so far as you know, was there?

A. I didn't know what the governor wanted to see me about.

Q. Well, I mean there was no occasion for Mr. Wilbur being there?

A. No, not to my knowledge.

Q. He was doing nothing?

A. Not that I saw. He just went in and sat down.

Q. Took no part in the conversation?

A. No, said nothing at all.

Q. Just listened. You may state what the conversation was, in full, Mr. Ekern, with the Governor.

A. Why, as we were going in there were flowers on the table, just the close of the inaugural—

Q. (Interrupting) You were not throwing bouquets at each other?

A. (continued) I suggested to the Governor that he must be tired and he said something about being reasonably tired and he sat down and he asked me about the speakership, and I told him that I didn't know anything about the speakership. I said: "I just met Hull over here and he says he is as good as nominated and elected. He says he has twenty votes already in and more coming, and," I said, "if that is true Hull is right." He said something about—he asked the question: "What do you know about the others?" as I recall it. I said: "Why, I don't think anybody knows." Then he said: "Does Johnson think he is going to be elected?" It was said in a sort of sneering way, and I said: "Of course, he does, they all think they are going to be elected." There was some more inquiry about the speakership—Oh, he inquired as to who I was supporting, and I told him I was friendly to Mr. Johnson, and then he said. "I understand that you are running, headquarters over at the Avenue Hotel." I said: "No, that is not true, Governor." He says: "Well, what have you to do with the headquarters?" I told him that all I had to do with them was to call up Mr. Gifford and ask to have him hold the rooms. Then he said: "I understand you have been telling members of the legislature that there is a contest on between me and other men in the Capitol, and that I ought not to have anything to say about the speakership." I said: "That is not true, I have said that there was a contest on between you and Senator LaFollette, and, so far as from saying that you should not have anything to do with the speakership, I believe that you have a perfect right to have your candidate for the speakership," and I think I added: "But I don't think that you ought to dictate the selection." It was about that time he wanted to know if I didn't know that I had violated the law and he stated what has been called "the ultimatum" here, demanding that I close Assemblyman Johnson's headquarters in the Avenue Hotel that night, and that I withdraw my support from Mr. Johnson and from any participation in the speakership contest, and that if I did not he would remove me from my position as commissioner of insurance, and then he went on—I think at the close of that he said: "That's all,"—No, "This is the end of the interview,"

something of that kind. Well, I sat still and I said: "Now, Governor, you don't mean that." I said: "I have been scrupulous in observing the law according to the strictest construction any one has put upon it, and I intend doing that in the future, and I have not violated the law. I have nothing to do with Mr. Johnson's headquarters and I can't do what you require." Well, he insisted upon his demand that the headquarters be closed and I said that I was anxious that there should be nothing done under his administration that anyone could find any fault with, that if he desired it I would call Mr. Gifford on the telephone and tell Mr. Gifford that I had nothing to do with the rooms. I said I couldn't do any more. He said that would not be satisfactory, that I had to go and close the headquarters that night. I insisted that I had no power to do that, and then he drifted off into complaining of unfair treatment. He said that his candidate for the speakership had not been fairly treated, said something about some newspaper articles, and I asked him if he thought I was running the newspapers. He had previously stated that the office of the Governor was in the east wing of the Capitol and not in the north wing. Then he went on to say that there should not be any interference in the speakership contest, that Senator LaFollette, when he was governor, would not have stood for any interference by a United States Senator. I said: "Why, Governor, I don't know that Senator LaFollette is interfering, I don't think he is. So far as I know, he is indifferent between Johnson, Goff or Hull," and then there was something said about his not having been fairly treated. I don't think he made any statement as to in what respect, a general statement that he had not been fairly treated, and I stated to him that he had been fairly treated, that I had supported him at the primary and the election, and that the treatment had been absolutely fair. Well, he reiterated his demand that the headquarters be closed, to which I replied that I could not do it, that it was not within my power, and said I was willing to do anything I could do, willing to co-operate with him as Governor in seeing that the administration was free from any possible criticism, and that more than that I could not do. That is about the substance of the conversation. It took some time, and the Governor was very vigorous in his statements.

Q. Did you say to him at that time that you had been managing Johnson's campaign?

A. I told him I had nothing to do with Mr. Johnson's campaign.

Q. Or did you say that you had opened headquarters for Johnson at the hotel?

A. I denied that I had anything to do with Mr. Johnson's headquarters at the hotel.

Q. At this time, when this conversation was going on and Mr. Wilbur was sitting by, did you know that the papers for the complaint against you had already been prepared?

A. I knew nothing about that. I knew nothing about any complaint or anything of the kind. I did not know what I was going there to see the Governor for.

Q. Did you know that the first draft of your order of dismissal had been prepared by Belitz and Wilcox?

A. No, I did not.

Q. You say this was about nine o'clock?

A. Aren't you mistaken about that as Belitz's testimony? As I understand this was prepared on the 7th? This is the night of the 6th.

Mr. Aylward: Yes, I am mistaken about that. That's right that's right.

Q. Did you, after leaving the Governor's office, see Mr. Johnson to see whether he would be willing to close the headquarters or not?

A. Well, I called Mr. Johnson on the telephone and told him of the demand made by the Governor.

Q. And what is the fact as to whether he was willing to close or not?

A. Why, Mr. Johnson said: "You have nothing to do with those headquarters. That is equivalent to asking that I withdraw from the speakership contest. I cannot do that." And there was something said about—I said I wouldn't ask that, or he said he didn't believe I would ask it, or something of that kind. Anyway he stated he would not close the headquarters.

Q. Following that, Mr. Ekern, the complaint here was served on you, and served when?

A. The complaint was served on me on Wednesday morning at about five minutes of nine.

Q. And the order contained a notice to appear at nine o'clock, does it.

A. It does.

Q. What is the fact, Mr. Ekern, as to whether you had any time, except between the service of that order and your appearance at the Governor's office, for retaining counsel, or preparing any defense, or making any showing?

A. I called your firm on the telephone.

Q. Did you have any opportunity of securing your witnesses?

A. Well, we had about ten minutes to draft an answer in the Governor's office, and during that time I called some witnesses on the telephone.

Q. That is all the preparation you were allowed, was it?

A. That is all the preparation we had.

Q. Were you allowed to finish your own testimony in chief?

A. I was not.

Q. You had in the meantime secured the presence of L. L. Johnson. Did you tender his testimony?

A. I did, through you. Through counsel.

Q. And that was refused, was it?

A. That testimony was refused.

Q. You also tendered the testimony of your deputy, Mr. Beedle, and of Lieutenant Governor Morris, and that was refused, was it?

A. It was.

Q. Judge Rosa was present of his own motion and tendered his testimony, and that was refused, was it?

A. It was.

Q. Mr. Holmes was also present, was he not, Assemblyman Holmes?

A. I think he was. I am not sure, when the hearing was concluded. He was there part of the time.

Q. At what time was the hearing concluded, Mr. Ekern?

A. About ten minutes of twelve.

Q. The order of dismissal was served on you at that time?

A. Mr. Essmann came into the office after the help had left. It was a little after twelve, six minutes after twelve by the office clock, when the order was served.

Q. The order had no seal of any kind on it, did it?

A. The order was just as it had been presented here in court; no seal and no attestation.

Q. You have remained in possession of that office ever since, have you?

A. I have..

Q. And in the performance of its duties?

A. I have.

Q. There was no attempt to barricade and protect yourself in the office until Mr. Essmann had been there and left to secure the police force?

A. No, none, whatever. The work of the office went on in the usual way and has been uninterrupted, except on the occasion when Mr. Essmann sought to enter my office with the Capitol police. We were only interrupted then for an hour. I think.

Q. Mr. Anderson, whose appointment has been certified to the senate, was one of the men in your employ, in the employ of the commissioner's office?

A. Mr. Anderson is—or was the actuary of the department of insurance.

Q. And was he acting between the date of January 8th and January 21st, or up until the time of his own suspension?

A. He has been acting continually as actuary of the department all the time that I have been there, and was suspended by me on January 17th, Saturday, I think. No, January 18th he was suspended by me.

Q. And had he been continually in the performance of his duties from the date of this pretended order, January 8th, up until January the 18th?

A. On January the 8th he was at Rock Island engaged in an examination for the department of the Modern Woodmen. He returned from there, as I learned afterwards, on Friday night, January 10th. He was in the office on Saturday, January 11th, and again on, (witness refers to a calendar), Tuesday the 14th. Monday I think he spent at his house. I talked with him over the telephone, and he told me then that he had some work to do.

Q. What is the fact as to whether while at the office in conversation with you the matter of the Governor's action was mentioned or discussed?

A. Well, that was talked of when he came in on Saturday. Of course, I was glad to see him and I talked to him about the trouble we had.

Q. Was there any suggestion or intimation given by him at that time, or any other time, that the Governor had suggested his appointment to that place?

A. There was never any suggestion from him to me of that fact until after the appointment had been given out by the Governor, and then it came in response to a telegraphic inquiry by me.

Q. He was in the city the day of the appointment, was he?

A. He was in the city on Tuesday all day, and he was in the office I think nearly all day. An arrangement was made by which he was to go to Sioux Falls to examine a fraternal society, and to go from there to Des Moines, and from there to Rock Island.

Q. How late that day did you see him before he left?

A. I think he was there until about five o'clock, something like that.

Q. That is the day of his appointment or pretended appointment. was it?

A. I got word that the Governor had decided upon his appointment, that night about fifteen minutes after ten, or half past ten.

Q. And Mr. Anderson left the city at what time?

A. I think his train left at 10:10 that night.

Q. Up to that time had he suggested to you that he was in communication with the Governor or that the Governor had suggested his appointment as commissioner?

A. There was no intimation whatever of that kind to me.

Q. And the next morning the Governor sent his appointment to the senate, did he?

A. He did.

Q. And then came your telegram to him that was read here this morning, and his reply?

A. And his reply. And I think I made my order of suspension and had it served on him at Rock Island.

Q. And that order I think was read here this morning?

A. The order was read this morning.

Q. Following the suspension of Mr. Anderson then you continued in the office up until January the 21st, did you?

A. I did.

Q. What occurred on the afternoon of January the 21st?

A. About half past two that afternoon we had quite a number of insurance men in and the office was full about all the time. Mr. Heden came in with Mr. Johnson. They wanted to talk about something and I was busy for a few minutes. While I was talking with them Mr. Anderson and Mr. Essmann, the superintendent of public property, walked in. Mr. Anderson stated that he was advised that I had been removed, and that he had been appointed commissioner of insurance, and he demanded possession of the office. I told him that there was no vacancy, and that he had no legal right to the office, and that I refused to surrender. Then he turned to Mr. Essmann and asked that Mr. Essmann furnish him quarters in the Capitol as commissioner of insurance. Mr. Essmann stated that he would furnish him the rooms that I then occupied, and Mr. Essmann turned to me and demanded that I vacate the office. I refused to do this. He parleyed some and said that he would have to put me out if I wouldn't go. I told him that he had no right to interfere and that I would not vacate. He said then that he would have to go and get the Capitol police and put me out. He went out and I asked Mr. Anderson to step out, and when Mr. Anderson stepped out I locked the door. There was a rap on the other door after awhile. The other door—a typewriter desk had been before the other desk some time. It was a door we did not use much. In fact, it had been closed up most of the time, and I pushed the heavy office desk up against the typewriter desk. In the meantime I had telephoned to Mr. Aylward and Mr. Olbrich of what was going on, and they had started injunctive proceedings. Mr. Essmann demanded admission, and I asked him: "On what business?" and he made some statement about coming in to put me out, and I said he had no right in my office for that purpose, and he then broke in a narrow pane of glass in the door by pushing or throwing a heavy book through it. Then he broke in the other pane, and I understood he cut his hand, or something. The Capitol police were right outside with quite a number of men, and he instructed them, as I understood, to push the door in. They were unable to do this. They had some poles there, wooden poles there, and they broke them off, and there was a delay while a man was sent downstairs to get a crowbar.

Q. Otherwise known as a "jimmy"?

A. Well, it was called "crowbar." But in the meantime, just as I understood they were bringing the crowbar, I think something was said about it, you (Mr. Aylward) came to the other door. By the way this door they were trying to break in was a door into a side room, and you (Mr. Aylward) came to the other door and rapped and stated who you were, and you were admitted, and you stated you had served Mr. Anderson with an injunctinal order, and asked for Mr. Essmann. The sheriff was with you.

Q. What number had gathered in the different offices of the department?

A. Well, when the door was opened I noticed there was a large number of people in the working office. There are several of our clerks in the working office and that office was quite crowded with people. I recognized some newspaper correspondents. I did not go into the outer office. Immediately when the door was opened there were some gentlemen from Ohio came in to see me on business.

Q. The work in the department was suspended, was it?

A. Why, it must have been during this time, because you could not do work with that crowd of people around, and with the disturbance there was.

Q. And what is the fact as to whether Mr. Anderson was present when Essmann demanded the office and Mr. Essmann said he would go and get the police force and throw you out, and whether Mr. Anderson was there during this disturbance or not, while they were trying to break in?

A. Mr. Essmann was there, as I understand, all the time.

Q. Mr Anderson?

A. Mr. Anderson, yes.

Q. Any suggestion or attempt on his part, or any statement that he did not want the position in that highhanded way?

A. Why, there was no statement of that kind. I was under the impression that Mr. Essmann was carrying out his directions.

Q. And the directions of the Governor?

A. Mr. Essmann stated when he made the demand that he wished I would not make it hard for him, that he was carrying out the orders of the Governor.

Q. Were you speaker of the assembly at one time, Mr. Ekern?

A. I was.

Q. And are you familiar with the custom with respect to the campaign or canvass for speaker of the assembly, sergeant-at-arms and clerk of the assembly?

A. I am.

Q. What is the fact as to whether the different candidates for those offices have ever construed the law, to apply the law, with respect to the filing of the names of committees and their expenses, and other requirements of the primary election law, election laws of this state, Corrupt Practices Act, as to whether they have application or refer to the speaker of the assembly?

A. Why, those laws have never been construed as applying to the election of either the speaker or any of the other officers of the legislature.

Q. Do you know whether in this last canvass Mr. Mahon, or Mr. Hull, or Mr. Goff, or Mr. Nye, any of them, filed a statement of the campaign committee, as to who composed their committee?

A. Why, I have understood that they did not. That is the general understanding, that that has not been done by any candidate.

Q. Either at the present time or heretofore?

A. No. It has never been done.

Q. Do you know what the Governor's construction of the law has been heretofore, as applied to your office? Do you know what his construction has been?

A. Well, I never had the question of the construction of the law up with the governor.

Q. Well, I put it in this way: Has the Governor, Governor McGovern, heretofore sent for you and invited you to his office to discuss with him political matters?

A. Yes.

Q. Has he invited you to come to his office to discuss the matter of candidates for different positions, different places?

A. Yes. I have never had any difficulty with the Governor at all until this January 6th, the first time I ever had an intimation there was any question about any act.

Q. Has he called you to his office to consult with respect to choice of candidates for high and important offices?

A. Why, as far back as February 12th he called me over to his office, and it was right after the Philadelphia speech of Senator LaFollette—

Q. (interrupting) And when you say "right after" you mean how soon after?

A. Well, it was probably a day or two after. The papers were full of the incident, and I am under the impression that it was Monday morning. He called me over to his office and asked what I thought ought to be done.

Q. In respect to what?

A. In respect to the support of the Wisconsin delegation of a candidate for the presidency. The substance of the conversation ran along about this: That he thought that this was an opportune time for Wisconsin to take the lead in a movement for Roosevelt. I objected to that on the ground that we only had newspaper information, and we did not know what the facts were, and further that if Senator La Follette at any time in my judgment needed the support of his friends it was at that time. There was some discussion about that, and then he made the suggestion that some announcement should be made in favor of Senator La Follette as first choice and Roosevelt second choice. I objected to that on the ground it was equivalent to stating that Senator La Follette was merely a favorite son, and it would be construed all over the country as a declaration for Roosevelt, and I urged very strongly that no action be taken, and that if any action were to be taken it should only be taken after the fullest consultation with the friends of Senator La Follette in the state.

Q. When you refer to the Philadelphia meeting you refer to the banquet or meeting where Senator La Follette broke down or was taken sick?

A. Yes, that is the meeting.

Q. Do you remember his saying in that connection, urging you to come out for Colonel Roosevelt, that if you did not do that you would not get any dividends out of this, and that Wisconsin ought to get in first?

A. Well, the idea was that Wisconsin ought to take the lead in this, throwing the delegates to Roosevelt. That was the thought expressed.

Q. Now, when you got through with that conversation, Mr. Ekern, did the Governor suggest to you that now you were violating the terms of the statute under which you were appointed?

A. There has never been any suggestion of that kind made until the 6th of January this year.

Q. So as he construed the law at that time, having an opinion, or expressing it, on anything he suggested, was not in violation of the laws as he understood them at that time?

A. Well, there was nothing said about it, and I went there on his invitation.

Q. And you discussed those matters on his invitation?

A. I did.

Mr. Aylward: I think that is all, Mr. Chairman.

Examined by Senator Burke:

Q. Mr. Ekern, I believe you stated Mr. Johnson was employed in your department some time, quite a good deal of the time during the past year and a half?

A. He was not employed in the department. The department has authority to employ what are known as special examiners of insurance companies, and he was employed, I think, first on a fire company with Chief Examiner, Mr. Kefcham.

Q. He drew a salary in connection with that, did he?

A. Our examiners are all paid a per diem.

Q. Is the office of special examiner something created by the legislature of 1911?

A. It was not.

Q. That is, then, something that is discretionary with the insurance commissioner?

A. It is an old law, and authorizes that appointment. I tried at the session of 1911 to have it changed and have fixed examiners in the department.

Q. Now, Mr. Ekern, at the time that you engaged rooms for Mr. Johnson at the Avenue Hotel, or at any time thereafter, during the campaign for the speakership of the Wisconsin Assembly, did you ever say to Mr. Gifford, tell Mr. Gifford, not to mention the fact that you had engaged those rooms?

A. No, I did not. I do not recall any such conversation.

Q. Were you aware of the fact, Mr. Ekern, that the summons and complaint, and the papers and the injunction order that was served on the Governor and Mr. Essmann and Mr. Anderson, were drafted previous to the time of Mr. Anderson's alleged appointment, and that the name of the appointee was

afterwards filled in, with the typewriter in some places, and afterwards with the pen in others?

A. Some of the papers were drafted before Mr. Anderson's appointment.

Q. Anticipating a move on the part of the Governor and the superintendent of public property which culminated in the siege at the office of the insurance commissioner?

A. I anticipated he might make some attempt to take the office by force, and that he would send in someone unexpectedly.

Q. And the injunctional order was drafted previous to that time, as you understand it, and afterwards filled in with a pen to conform with the dates and times as specified in the original order as served on the Governor?

A. Well, I don't know as to that, Senator. I presume that was done.

Q. You would not deny, then, the fact that in the original unjunctional order that the time of service, at least twenty-four hours before the hearing of the motion, as aforesaid, was stricken out, and that the hour of "Four P. M., January 21, 1913", was inserted with a pen, would you?

A. No, I think that was done.

Q. Now, I would like to ask one more question:—I am finding out something about politics in Wisconsin I did not know before—Did you take part in any conference with any of the followers of Senator LaFollette as to who should be the delegates to the National Convention?

A. Why, I don't know that I took part in conference. I know that I talked it over with several friends of Senator La Follette.

Q. And the candidacy of Governor McGovern as a delegate-at-large from this state to the National Convention was agreeable to you after this conference you had with him with reference to Senator La Follette's break down in Philadelphia?

A. Well, as I remember it, the candidacy of the delegates had been decided upon and announced previous to this time.

Q. There was no suggestion on your part, or no protest on your part, or any suggestion on the part of Senator La Follette or his friends, that he ought to have some other candi-

date for delegate-at-large to the National Convention, after the talk with the Governor?

A. I assumed that anyone who would not stay true to his candidate would retire from the delegation, and if there was any question there the candidate himself would take the initiative.

Examined by Senator Kileen:

Q. After you had the talk with the Governor on Monday evening, how soon after that did you see your attorney?

A. Why, I saw my attorney on Tuesday afternoon, the next day.

Q. And you went over this matter with him on Tuesday afternoon, did you?

A. Well, the question that was up on Tuesday afternoon was whether, or not a removal could be made without a hearing:

Q. You went over the matter with him that you had with the Governor on Monday evening?

A. That was the question that was up at that time.

Q. Then you had talked with your attorney before Wednesday?

A. Not on the question of a hearing before the Governor.

Not on the question of any appearance at a hearing.

Q. Now, then, how much of a salary did Johnson draw from your office during the last year?

A. I don't know. I have never had that figured up.

Q. About what salary did he draw?

A. Well, that would be the merest guess for me to try to tell.

Q. Wasn't it as much as \$1400?

A. Salary?

Q. Yes.

A. No, I would think not.

Q. Well, about what would you think then?

A. Well, it is practically impossible to state that, because the work is done just a few days at a time, an examination of a particular company. It is settled up and then perhaps some other examination will come up, and that is settled up. We employed him principally on the fire insurance examination, because of this work.

Q. Why do you say you think it was not \$1400?

A. Well, I don't see how he could have gotten in that much time with the other work that he did.

Q. Now, then, isn't it a fact, Mr. Ekern, that you talked with members of the assembly with reference to the speakership at other places than in your own office?

A. The only man I can recall talking with at other places than in my own office is Mr. Allison. I think also that Mr. Hull spoke to me. I know that he called me up.

Q. And how many members of the assembly did you see in your office?

A. What do you mean? See on the speakership?

Q. Talk within reference to the speakership?

A. Well, I have mentioned all that I can recall.

Q. Well, how many is that? How many did you mention? I don't care about the names, just give me the number.

A. Three.

Q. Those were the three that you mentioned?

A. Yes, and I am not sure about two of them.

Q. Now, at the time you were talking with those candidates you also talked, you say, in reference to the broader field of politics?

A. Yes.

Q. You talked about both subjects at about the same time, did you?

A. Well, now, with reference to the conversation on the broader field, that conversation referred to my conversation with Judge Rosa and Richards.

Q. That was in connection—

Mr. Aylward: Just pardon me. Let him answer the question.

A. (continued) Now, as I thought over that conversation since I am not sure that the speakership was mentioned in that connection, though it may have been.

Senator Kileen:

Q. Didn't you say in your talk that Johnson was the La Follette candidate?

A. No, I did not.

Q. Did not make any statement of that kind?

A. No, sir, I never made that statement. It would not have been true.

Q. Did you say in that conversation that you could not be for McGovern and for La Follette, or if you were for McGovern you would have to be against La Follette and vice versa?

A. That might have been a conclusion from the statement. I don't think that language was used.

Q. Well, just tell me what the language was, then, that you used?

A. I think the language used was that there was a contest between Governor McGovern and Senator La Follette.

Q. And didn't you go any farther than that?

A. And that in this contest it will be inevitable that the people of the state would take sides; persons active in politics would take sides.

Q. Didn't you say that there would be no compromise, that there could be no compromise?

A. I don't recall using that language.

Q. Didn't you say that there was no middle ground?

A. Yes, I think I did, or something of a similar import.

Q. Didn't you say that: "If you are for the Governor you are against the Senator?"

A. I don't recall using that language.

Q. Who was it that authorized you to say you could not be for both the Governor and the Senator?

A. I said that on my own authority. I don't think I said that you could not be for both the Governor and the Senator, I don't think I used that language. But so far as a difference, an estrangement, between them, I made that on my own authority.

Q. At the time you were examined in the Governor's office didn't you say that you said to Mr. Richards, in effect, speaking of the speakership contest: "The fight is on, there can be no compromise. There is no middle ground. It must be between us and the Governor. If you are for him you are not going to be with us. We are not going to let him have anything to say about this speakership."

A. I made the statement that the fight was on, that the question was between you and the Senator La Follette and that there could not be any middle ground."

A. That part that I stated there, I made that statement on the hearing in substance.

Q. Well, why did you think a member of the legislature could not be for both the Senator and the Governor?

A. Well, there are a great many reasons for that, Senator. I think that is the matter of common knowledge.

Q. Can you give me some of them?

A. Yes.

Q. Well, give them.

A. Reports had come to me repeatedly that the Governor had said that the action of the delegates who voted against him at Chicago was cause for offense to him, and that he was against all his men, and also that the Governor was not satisfied with the support that he had gotten in the election, notwithstanding that support elected him, and there was also reports came to me, in talk, general talk, I think, that the Governor was displeased at the kind of speeches the Senator had made during the campaign, as to what his position was as to the Governor.

Q. Is that all the reason you had for saying that?

A. Well, there are a great many things along that line. The Senator made some very frank statements in his speeches.

Q. How long has Mr. Johnson been in your office working under a salary?

A. Well, he has never worked under salary in my office. The only way he has done any work in my office has been as special examiner, being paid a per diem for the particular days he worked. Now, if the Senate desires, I can have that all drawn off from the records and sent here.

Q. About how much time did he spend in your office during the last year, working as special examiner?

A. Well, that I cannot tell because of the fact that this work is scattered through a few odd days here and there. The principal part of his work was done on an examination of the Northwestern Mutual Life the last part of this last year. I will say further that the matter of these examiners is a matter that is determined on very largely by the Chief Examiner, Mr. Ketcham, who was told to get his men and he would get these men and appoint them, and the bills came through with his O. K.

Q. Will you look at that, Mr. Ekern? (Handing witness paper). Could you tell me by an examination of that slip about how much was paid Mr. Anderson?

A. You mean Mr. Johnson.

Q. I mean Mr. Johnson.

(Witness examines slip).

A. Why, I couldn't tell by this. I couldn't tell whether this is correct or not.

Q. Well, would you say it is approximately correct?

A. Why, the amount is larger than I had thought he drew. There is some of the items larger. Well, I couldn't say, I would be wholly unable to say from that statement.

Q. He drew an expense account from the state?

A. No. As I understand it he drew an expense account from the state for the time he actually put in on the investigating committee, and when he worked on examinations for the department he did not draw an expense account from the funds of the committee.

Q. You and Mr. Johnson were friendly?

A. Yes, sir.

Q. Did you ask Mr. Johnson to close up the headquarters over at the hotel?

A. No, I didn't ask him to close them up. I told him of the demand that had been made on me.

Senator Kileen: That is all.

Examined by Senator Martin:

Q. Mr. Ekern, in your first talk with the Governor did he say to you: "Did you write two letters in regard to the chairmanship?" I think that was the evidence read here this afternoon, was it not?

A. No. The matter of letters is mentioned in the testimony taken before the Governor. There was no matter of letters mentioned in the talk with the Governor.

Q. Well, it was mentioned. Do you know what two letters he referred to?

A. No, I do not.

Senator Kileen:

Q. Do you know whether you wrote any letters at all in regard to the speakership?

A. No, I didn't write any letters on the speakership.

Q. Well, did you write letters on other subjects and in those letters refer to the speakership?

A. I think I wrote one letter in which the subject was referred to.

Q. Didn't you write more than one?

A. No, I wrote one letter.

Q. Who did you speak of for the speaker in that letter?

A. In that letter I spoke of Mr. Johnson.

Q. Did you write that letter to a member of the assembly?

A. That letter was written to Mr. Douglas Anderson, a member of the assembly.

Q. What did you say in that letter in reference to the speakership?

A. I merely said that Mr. Johnson said his campaign was going on well.

Mr. Aylward: Give the Senator the letter if he wishes it.

Senator Kileen:

Q. Have you got the letter?

A. I think I have the letter here.

(Witness produces letter).

Senator Kileen: I wish you would mark the letter and have it read into the record.

(The said letter was thereupon marked "Ekern's Exhibit 6," and reads as follows:)

"January 2, 1913.

"Hon. Douglas Anderson,

North Crandon, Wis.

My dear Anderson: I take it that you are planning to be here early next week anyway to take a hand in the organization but thought I should suggest that if possible you be here at least early as Monday morning. You appreciate that the organization means a good deal, and with your activity you can do a lot of good. I believe you will have an excellent lot of men to work with, and that the coming session will be an important one. I have been pretty busy helping the fire investigating committee get out its report and have kept L. L. Johnson busy here with me. He says he finds the situation good and I believe the members will not fail to recognize his ability and the faithful work he has been doing. If you get this in

time to drop me a line before you come will be pleased to know what you learn up there.

With the best wishes for the New Year, I am
Sincerely yours,"

Examined by Senator Ackley:

Q. Mr. Ekern, was Mr. Anderson actuary in your department between the 8th of January and the 18th of January?

A. He was.

Q. He was under your supervision during those days?

A. He was.

Q. You know, Mr. Eekrn, of any acts of insubordination, or any acts that Mr. Anderson willfully performed, relative to securing the appointment of insurance commissioner of Wisconsin?

A. He telegraphed me, in reply to my inquiry whether he had agreed to accept, in substance that he had, and from that it was apparent that he had been in conference with the Governor during this time, and this conference was not disclosed to me.

Senator Kileen:

Q. Have you got that telegram?

A. Well, the telegram was read into the record this afternoon.

Senator Ackley:

Q. Mr. Ekern, that was between the 8th of January and the 18th of January?

A. Yes. Yes. These telegrams passed about the 15th. I should say; 15th or 16th.

Q. Do you know of any other acts of insubordination on Mr. Anderson's part? Do you know if, at any time prior to the 8th of January, he was conniving in any way to secure an appointment as insurance commissioner of Wisconsin or working in any way which would be detrimental to your authority.

A. Prior to the 8th of January.

Q. Prior to the 8th of January?

A. No, I do not.

Examined by Senator Bosshard:

Q. You testified, Mr. Ekern, that on the invitation of the

Governor you saw him some time during February of the year 1912 and discussed with him National political matters?

A. I did.

Q. Is it a fact that the invitation came from the Governor and that you went to him in response to that invitation?

A. Yes, I did.

Q. Now, what was the situation that prompted the conversation at that time?

A. Well, the situation, I presume, was the speech of Senator La Follette at Philadelphia at which he was taken sick, which created a good deal of stir in the newspapers.

Q. Was that the time when the newspapers reported on his physical collapse?

A. Yes.

Q. And the possibility of his withdrawal from the race?

A. Yes.

Q. Now, did the Governor at that time make any suggestions or recommendations to you as to what course he thought the Wisconsin delegation to the National Convention should take in that matter?

A. Well, as I understood it, his purpose was to have the delegation come out for Roosevelt.

Q. Did he in substance state that to you at that time?

A. Yes.

Q. The Wisconsin delegates at that time had been selected in a republican caucus, had they not, agreed upon?

A. No. The delegates—merely the names of the delegates had been.

Q. They had been proposed but not—

A. (Interrupting) Proposed?

Q. (Continuing) Selected until the spring primary. Is that right?

A. I don't think that the petitions had been circulated at that time. I don't know, but it was understood generally who were to be the delegates at that time.

Q. And you testified that his first recommendation was that the Wisconsin delegation ought to come out for Roosevelt at that time?

A. Yes, that was as I recall the conversation.

Q. And the second suggestion was that if the first were not

followed, that they come out for La Follette first and for Roosevelt second choice?

A. Yes.

Q. What response did you make?

Senator Kileen: Mr. Chairman, I object to this line of examination as not included in the resolution.

Senator Bosshard:

Q. I will ask you that further question, Mr. Ekern: What conversation was your response to those suggestions?

A. Why, my response was this: In the first place, we only had newspaper reports to act upon. In the next place Senator La Follette needed his friends at that particular time, and that to come out for Roosevelt second choice was particularly equivalent to declaring Senator La Follette out of the race for president.

Senator A. E. Martin:

Q. The Governor did not ask you to support him as vice president for the Bull Moose party at that time, did he?

A. Oh, no, no.

The Chairman: The senator from the 32nd may proceed.

Senator Bosshard:

Q. Whom did you support for Governor in the recent election in this state, Mr. Ekern?

A. Francis E. McGovern.

Q. Do you recall whether you advised any people to vote for him or stated it was your judgment he ought to be elected?

A. I did.

Q. Do you know whether the Governor knew of your position in the matter?

A. Why, I don't know. He was pretty busy campaigning, but I don't see why he shouldn't have known of it.

Q. You were never criticized by the Governor for political activity during the recent state campaign, were you, where you supported him?

A. There was never any criticism or mention of anything improper until this meeting of January 6th.

Examined by Senator Randolph:

Q. Mr. Ekern, have you any knowledge of any other ap-

pointee, officers of the Governor, doing political work during this speakership fight? Have you any knowledge that any other appointive officers, appointed by the Governor, did any political work in this speakership fight?

A. Well, I have very little personal knowledge of anything of that kind. I saw a great many appointees about during the speakership contest.

Q. Do you know of any appointive officers of the Governor receiving compensation who were candidates in that speakership fight? Or, were any candidates in the speakership fight on any pay roll of the state?

A. Well, the only candidate I know of who is on the pay roll is Assemblyman Nye of Superior who, I understand, is a member of the grain and warehouse commission there. I don't know personally that he continues as such member now.

Q. Was he an appointee of the Governor, on that warehouse commission?

A. Yes, he must have been.

Q. You do not know whether he is drawing salary now as warehouse commissioner, do you?

A. I don't know. The records will show.

Q. Have you any knowledge of him drawing a salary prior to January 8th, during the recess of the last legislature?

A. Why, there was a case in the courts on that question, and the general understanding was that Mr. Nye was acting and drawing salary. I don't think there is any question about that.

Examined by Senator Husting:

Q. Mr. Ekern, do you know whether the Governor himself was active in the last campaign?

A. In the primary election?

Q. Both.

A. Why, yes, of course, he was. That was the general understanding, and the newspaper accounts were full of his speeches, meetings.

Q. Did he take any active part in the fall campaign, the last fall campaign?

A. In the November campaign?

Q. Yes.

A. Why, of course he did. That was the general understanding.

Q. Now, it is a matter of common notoriety that he made a stumping tour through the state?

A. Yes. I didn't hear him. I didn't attend a single political meeting.

Q. Do you know of the other appointees of the Governor that were active in the campaign in his behalf in the fall?

A. Well, I cannot say of my own knowledge that I was out and saw any of them campaigning.

Q. Don't you know, as a matter of fact, that a number of appointees, occupying high offices, were engaged in stumping for Mr. McGovern during the campaign?

A. Why, that was the report, but I did not attend any of their meetings, so I really don't know, Senator.

Q. It was a matter of common report that a great number of the employees of the state, appointed by the Governor, were stumping the state in his behalf?

A. Well, I cannot say as to that without going through the list.

Q. Did you ever hear any criticism of any other officer for political activity in behalf of Governor McGovern?

A. No, I never heard any.

The Chairman: Mr. Ekern, I would like to ask you if at any time during the speakership campaign you sent for members, or asked members of the assembly to come to your office, in order to speak to them in regard to any candidate?

Mr. Ekern: I did not.

The Chairman: Any other member of the committee any question to ask? If not, the witness may be excused.

Senator Burke: It seems to me we ought to rise and report. I do not make that as a motion, but I would like to get the expression of some of the other senators here.

Senator Bosshard: This motion I know is not debatable, but I hope the motion will not prevail at this time. It is not so very late. The attorneys and witnesses that have been subpoenaed are here, and we might just as well proceed for another hour rather than take up the time of the day session.

Senator Burke: I do not make that as a motion. I just make it as a suggestion.

Mr. Aylward: If I may make the suggestion, Senator, we can finish in an hour, as far as we are concerned.

The Chairman. Call the next witness.

Mr. Aylward: I offer two affidavits of Louis A. Anderson, being the same affidavits that were used in the Circuit Court.

The Chairman: Received.

(The said affidavits were thereupon marked respectively "Ekern's Exhibit 7" and "Ekern's Exhibit 8").

Mr. Aylward: Mr. Chairman, I will read the affidavit of Mr. Nagler, while we are waiting for Mr. Holmes.

"STATE OF WISCONSIN,)

) ss.

Dane County.)

L. B. NAGLER, being first duly sworn, on oath says that he is the assistant secretary of state in and for the state of Wisconsin; that there is on file in said office of the secretary of state no statement of expenses made by any member of the assembly of the state of Wisconsin as a candidate for the position of speaker of the assembly and, to the best of the knowledge, information, and belief of said affiant, no such statement has ever been filed by any member as a candidate for the office of said speaker of the assembly with said secretary of state or with any other person."

FRED L. HOLMES, being first duly sworn, on oath testified as follows:

Examined by Mr. Aylward:

Q. Mr. Holmes, you are a member of the assembly from the capital city, this district?

A. Yes, sir.

Q. And are engaged in newspaper work?

A. Yes, sir.

Q. And are associated with La Follette's magazine?

A. Yes, sir.

Q. In what capacity?

A. I have been business manager of La Follette for about three years, until January 1st, when the legislative work began, and that matter is in charge of Mr. Gabrielson while I am engaged in official work.

Q. And in addition to that are you also a newspaper reporter?

A. Yes, sir.

Q. And were during the last year?

A. Yes, sir.

Q. You know Mr. Johnson and know Mr. Ekern?

A. Yes, sir.

Q. And in your newspaper work do you visit the Capitol and the chief offices in the Capitol daily?

A. I do.

Q. What is the fact, Mr. Holmes, as to whether you visited the insurance department daily during the past few weeks?

A. I think for the past probably eight months that I visited the insurance department almost daily, in fact all the offices in the east wing and in the north wing of the Capitol. I visited those two wings of the Capitol, the offices in those two wings of the Capitol.

Q. What is the fact as to whether Mr. Johnson's work or campaign for speaker of the assembly was engineered or conducted or run in any manner from that department?

A. It was not, so far as I could see.

Q. So far as you could learn in your daily visits was any work being done there or from there for Mr. Johnson?

A. No, sir.

Q. In Mr. Wilbur's testimony, read here to-day, Mr. Wilbur suggests that you were a member of Mr. Johnson's committee. What is the fact as to whether Mr. Johnson had any committee, so far as you knew?

A. He had no committee, so far as I knew.

Q. What is the fact as to whether you were actively engaged in promoting his campaign or his candidacy or not?

A. I was not.

Q. Did you serve on or under any campaign committee with which he was connected?

A. No, sir.

Q. Or manager of it?

A. No, sir.

Q. Did you do any work with Mr. Ekern on that matter?

A. No, sir.

Q. Did you consult with him on that matter?

A. No, sir.

Q. Did Mr. Ekern do any work, from that department or elsewhere, so far as you knew, on behalf of Mr. Johnson?

A. Not so far as I know.

Mr. Aylward: I think that is all.

The Chairman: Any member of the committee wish to question the witness?

(No response).

The Chairman: If not, he is excused.

GEORGE BEEDLE, being first duly sworn, on oath testified as follows:

Examined by Mr. Aylward:

Q. Mr. Beedle, you are assistant commissioner of insurance of the state, are you?

A. Supposed to be.

Q. And you were formerly commissioner of insurance of this state, were you?

A. Yes, sir.

Q. Have you been on duty at the office here in this building during the past year?

A. Yes, sir.

Q. You know Mr. Johnson?

A. Yes, sir.

Q. And have seen his work about the office, have you?

A. Yes, sir.

Q. What is the fact, Mr. Beedle, as to whether the work of the department has been kept up and kept in good condition, so far as you can tell?

A. So far as Mr. Eekrn's work in the department is concerned, I think that I can say, without successful contradiction, that he puts in more hours for the state than any other person in the Capitol.

Q. What hours has he been putting in, Mr. Beedle?

A. Practically from eight in the morning until anywhere from twelve to one or two at night.

Q. Also Sundays?

A. I think he has worked sometimes Sundays.

Q. What is the fact, Mr. Beedle, as to whether Mr. Johnson's campaign, or, call it what you will, has been conducted from the insurance commissioner's office?

A. If it has been is it without my knowledge.

Q. Well, you are there in Mr. Ekern's office all the time, aren't you?

A. And my desk is in his private room.

Q. Has there any work, political work, been done for Mr. Johnson from that office, either by correspondence or by telephone, or by personal solicitation, so far as you know?

A. Not to my knowledge.

Q. At my request you caused an examination of the letter files in the department to be made to ascertain whether there is any correspondence there in relation to this speakership, did you not?

A. Yes, sir.

Q. And was the letter here produced by Mr. Ekern the only one that was found?

A. It was the only one that was found.

Q. That was the letter to Mr. Anderson, was it?

A. Yes, sir.

Q. Has anyone been called to the office for the purpose of consultation on the speakership matter?

A. Not to my knowledge.

Q. Did Mr. Johnson have a campaign committee, so-called?

A. I have no knowledge of any campaign committee that Mr. Johnson may have had.

Mr. Aylward: I think that is all.

Examined by Senator Randolph:

Q. Mr. Beedle, you testified that Mr. Ekern was a very *hard*-working official, and without doubt he put in more hours *than* any other man in the Capitol. You did not have in mind any members of the senate, did you?

A. I think it is self-evident that I did not.

HERMAN L. EKERN, recalled, having been heretofore sworn, testified as follows:

Examined by Mr. Aylward:

Mr. Aylward: I just wish to ask Mr. Ekern one question in reference to this letter.

Q. This letter of January 2nd, Mr. Ekern, addressed to Douglas Anderson, was that in response to a letter he had written to you?

A. Yes, that was following out some previous correspondence.

Q. And was Mr. Anderson already committed to Mr. Johnson?

A. I so understood, yes. Mr. Anderson has told me since he came here that he did not receive this letter.

Q. And your statement there with respect to the speakership was in reply to an inquiry from him, was it?

A. Yes, following out the inquiries that he had previously made.

Examined by Senator Kileen:

Q. Do you know the member of the assembly from Trempealeau county?

A. Yes.

Q. What is his name?

A. Mr. Grinde.

Q. Did you write him in regard to the Johnson matter?

A. No. As I stated, I talked to him here.

Q. Did you write him any letter in reference to it?

A. I did not.

Q. Did not write any letter at all in which you referred to the Johnson matter?

A. No.

Mr. Aylward: That is all the testimony we care to offer unless we can find Judge Rosa.

CHARLES D. ROSA, being first duly sworn, on oath testified as follows:

Mr. Rosa: Mr. Chairman, I would like to have you make it a matter of record here that I realize that it is not within the province of the Senate to subpoena me over here; that I come out of courtesy to the senate to say what I have to say in this matter.

Examined by Mr. Aylward:

Q. You are a member of the assembly?

A. Yes.

Q. From Beloit?

A. Yes.

Q. Were you in the commissioner of insurance's office on the day of the inauguration, Judge?

A. That was Monday wasn't it?

Q. Yes.

A. Yes, sir, I was.

Q. Who was there, if you recall, at the time?

A. Well, Mr. Ekern was there. Mr. Beedle, I think. I know he was, and I think Mr. Richards of Ladysmith.

Q. Was there some general political talk indulged in at that time?

A. Yes, sir.

Q. You may state what occurred there, so far as you recollect it at this time?

A. I went in there—I am inclined to think it was early in the afternoon, I am pretty certain it was—to call on Mr. Ekern. I called on him as a friend. Was in that end of the Capitol and—I came here on Monday—perhaps I can explain a little: I came here on Monday in the interests of Mr. Goff, who was a candidate for speaker. He asked me as a friend, and as a member of his senatorial district, to help him. I told him I was favorable to him for speaker, and I came up here to do what I could for him, and I saw a few members that day, and part of the time I spent in Mr. Ekern's office. That will probably explain somewhat the nature of the conversation that took place there. I do not recall just exactly how we got to talking about political matters. I think I asked Mr. Ekern something about the—Or no, I believe Mr. Ekern first asked me, or said: "You are up, I suppose, to be a member of the assembly this term?" I told him I was, and I told him I was somewhat interested in the speakership contest and—I do not recall very clearly how we did get to talking about the political matter. I remember saying it looked as though there was some sort of a disagreement or personal quarrel between the Governor and Senator La Follette. That is, the newspapers would like to make it so, or some words to that effect, and Mr. Ekern said to me that he thought there was a row actually on between the adherents of the different men. I told him I was very sorry if any such thing was so, that I should hate to see any personal quarrel between Senator La Follette drawn into the election of a speaker of the assembly. And I told him I considered Senator La Follette one of the greatest constructive statesman there was in the country to-day, and I certainly was very friendly towards him. I was also friendly to the

Governor, that I thought he had made a good governor and I should hate to have the work of this legislature hampered by electing a man that was not friendly to both parties. I think Mr. Ekern said in reply: "I believe the fight is already on and I do not believe that you can stay on one side or take or the other, that you cannot take a middle ground in the matter. I think the lines are drawn in the speakership contest," or words to that effect, "and you will have to take one side or the other." I told him I did not propose to do either, that I was going to take the middle ground, and would not knowingly vote for any man that was not friendly to both parties. Now, I don't know—we talked there for some little time along about that same strain, and I cannot recall just definitely what was said there more than I have said. Now, that might vary somewhat from the actual words that were spoken, but I think I have given you the general drift of the conversation that took place there.

Q. He knew that you were for Goff?

A. I don't know that he did. I rather assumed in the conversation that he did. At least, I do not recall that I said anything about Goff to him.

Q. Did he attempt, so far as you know, to influence you or try to persuade you to vote for Johnson?

A. I don't think Mr. Johnson's name was mentioned in our conversation. It may have been, but I don't recall that it was.

Q. Have no recollection of it?

A. Not at the present time.

Q. Aside from that talk, that general talk you had there, had Mr. Ekern by phone or by letter or in any other way, directly or indirectly, sought to induce you to support Johnson?

A. No, I don't think Mr. Ekern knew I was in the city until I dropped in on him. At least if he did I don't know how he did know it. I hadn't had any conversation or correspondence or anything of the kind with Mr. Ekern.

Q. You are the witness, the Judge Rosa who stood up at the hearing in the Governor's office and asked permission to make your statement?

A. Yes, sir.

Q. And that permission was refused you?

A. The Governor said he would give me five minutes and I

told him I did not want to go on the stand unless I told the whole thing.

Q. And that he refused?

A. Well, I don't know whether he refused. About that—it was about quarter to twelve about that time and he and you were in some sort of a mix-up the time I got those words out of my mouth and I don't think he refused me.

Q. That is all there was of it?

A. That was all there was of it. The thing ended in five minutes after that, anyway.

Senator Randolph: I would like to have the last question and answer read.

(Thereupon the reporter read the last three questions and answers).

Examined by Senator Kileen:

Q. Now, the talk you had with Mr. Ekern down at his office referred to the trouble between Senator La Follette and Governor McGovern?

A. Yes, sir. That is, almost entirely.

Q. And that talk led up to the fact that the differences that were on between the Governor and the Senator had dropped out in the election of speaker, did it not?

A. Yes.

Q. And that the speakership contest was really a contest between Governor McGovern and Senator La Follette?

A. Well, hardly that. That is, our conversation, as I recall it, was simply this. Mr. Ekern said—I made the remark that the papers, the newspapers, had got the men lined up on one side or the other. Now, I was supporting Mr. Goff, and what the newspapers—

Senator Kileen: I don't care about going back to that, but I say when he said that the fight was on he said this fight was on in the assembly.

Mr. Aylward: I submit he was just answering the question and ought to be allowed to answer it.

Senator Kileen: I don't care about going back over that.

Q. When he said the fight was on he said the fight was on in the assembly?

A. I didn't know what he meant. I didn't take it that way.

Q. Can you recall now just the conversation as to when the fight was on?

A. I don't know what Mr. Ekern meant. I can only say what I thought he meant.

Q. What do you think?

A. What I thought he meant at that time was that if there was a scrap between Senator La Follette and Governor Mc Govern he thought that thing was going to crop out in the speakership fight, so I would have to take one side or the other.

Q. That is, that there was no middle ground there?

A. There was no middle ground in the speakership contest in his opinion.

Q. It was a matter of common understanding before you came down here as to who the candidate was that was being favored by the Governor, and who the candidate was that was being favored by the Senator?

A. It was common newspaper talk. That is the reason I wanted to refer to Mr. Ekern, because the newspapers had Mr. Goff in a class he did not occupy at that time.

Q. I say you understood the line as drawn by the newspaper talk?

A. Yes, oh, yes.

Q. And all you understood about it before you came into Ekern's office was newspaper talk?

A. Yes.

Q. And Ekern told you it was a fact?

A. He told me he believed the fight was on so we could not keep it out of the speakership contest and that I should have to take either one side or the other. We did not mention the men's names. I think he assumed that I read the papers and that Mr. Goff and Mr. Johnson seemed to have been classed as against the Governor.

Q. What candidate did you understand was the La Follette candidate?

A. Why, I understood that the papers had lined Mr. Johnson and Mr. Goff up as La Follette candidates, as opposed to the Governor. That is what I wanted to say to you a while ago. I knew Mr. Goff did not occupy any such position as that, that he was friendly to both parties.

Q. And who was on the other side, favored by the Governor?

A. Well, it wasn't clear in my mind, and no names were mentioned either by Mr. Ekern or myself at that time.

Q. But, you understood that there was, from the talk that you had with Ekern, lines drawn on the candidates for the speakership, as between the Governor and the Senator?

A. No, not that. That the lines—that is, that there was a fight on between the two men and that we could not keep that out of the speakership contest.

Q. And when he referred to it, that there was no middle ground, what did you understand by that?

A. Well, I understood by that that when we came to elect a speaker in the assembly that they would divide upon those lines, and that no person could be elected that was not either in one camp or the other, if I may use that expression.

Q. Do you know whether Mr. Ekern knew what your politics were?

A. Why, I have no way of knowing, no. I don't think I talked politics with Mr. Ekern for years.

Q. I mean as to what your politics were generally, as to being in favor of La Follette?

A. Well, I told him there was just my position.

Q. Did he know what it was before you came there?

A. Why, I think Mr. Ekern has known for a long time that I have been an ardent La Follette man, and he has known also I think that I have supported the Governor.

Senator Kileen: That is all.

The Chairman: What is the further pleasure of the committee?

Mr. Aylward: That is all the testimony we have to offer, your honor, but we would like an opportunity to argue the matter before the committee, and will suit our time entirely to the committee's convenience.

Senator Randolph: Mr. Chairman, counsel seems to be now through with their side of it. I would like to have Mr. Wilbur take the stand.

The Chairman: Is Mr. Wilbur present?

HARRY WILBUR, being first duly sworn, on oath testified as follows:

Examined by Senator Randolph:

Q. Mr. Wilbur, you are the executive clerk of Governor McGovern?

A. Yes, sir.

Q. You filed a complaint against Mr. Ekern, did you?

A. Yes, sir.

Q. Where did you get your information from regarding the renting of the rooms at the Avenue Hotel?

A. I had no information of that except Mr. Ekern's statement.

Q. Well, can you recall who gave you that indirect statement?

A. I say Mr. Ekern's statement.

Q. Oh, Mr. Ekern told you that he telephoned?

A. I was present when he told the Governor.

Senator Randolph: That is all I care to ask him.

Examined by Senator Husting:

Q. Mr. Wilbur, did you make this complaint against Mr. Ekern upon your own initiative, or were you requested to make that?

A. I made it on my own initiative.

Q. Had you ever spoken with the Governor before you made that complaint?

A. Oh, yes.

Q. About Mr. Ekern?

A. Oh, yes.

Q. Did the Governor convey to you the suggestion that the complaint should be made?

A. I can almost detail that conversation if you wish it.

Q. If you will.

A. After the interview between the Governor and Mr. Ekern concluded, that is, on Monday, January 6th, and Mr. Ekern left the office, I stated to the Governor: "That is an admission of the charges you made to him and I feel that if the headquarters which he stated he opened in the Avenue Hotel are not closed I should bring a complaint." Then at midnight that night—so far as I recall the Governor made no reply, turned to Mr. Wilcox, or some other person who was there—at midnight that night I called the Avenue Hotel and the night clerk answered. I did not get his name. I asked who

it was speaking. He said: "This is the night clerk," and I asked if Mr. Ekern, or any representative of his, had made any move towards closing the headquarters that were in the rooms that Mr. Ekern had engaged, and he said: "Nothing has been done about that matter, Mr. Wilbur." I then went home and in the morning informed the Governor of this telephone message, and stated that I wished to make complaint.

Q. Was that the first conversation you had with the Governor in regard to Mr. Ekern's conduct?

A. Oh, no.

Q. Well, when was the first conversation that you had with the Governor in regard to Mr. Ekern's conduct?

A. Oh, I couldn't place that definitely. Several days or maybe weeks before the Governor sent for Mr. Ekern.

Q. You think it may have been some weeks before?

A. It may have been, yes, sir.

Q. Well, what was the substance of the first conversation that you had with the Governor in regard to Mr. Ekern's conduct?

A. I cannot place that definitely, Senator. I conveyed to the Governor the substance of the rumors which were reaching my ears from different sources.

Q. That was, you say, some weeks before?

A. It may have been, yes, sir.

Q. What did the Governor say?

A. I do not recall that he said very much of anything.

Q. When did you have the next conversation with him?

A. Right along from day to day. I am right in his office. I talk to him every day. I cannot separate conversations that way.

Q. You talked with him from day to day on the same subject?

A. I should judge so. That I informed him of any rumors that were—I am not able to answer that question.

Q. And did you take any pains to investigate whether there was any substance to those rumors you had heard?

A. Not until they got in very definite shape.

Q. When was that that they got in definite shape?

A. The first information that came to me directly came through Assemblyman Richards.

Q. When was that?

A. That was on January 6th.

Q. That is the day of the inauguration?

A. Yes, sir.

Q. And did you investigate that or did that come to your ears without investigation, Mr. Richard's complaint or statement?

A. Why, I was talking to Mr. Richards.

Q. In the Governor's office?

A. In the reception room.

Q. And did you convey this opinion to the Governor?

A. Later. Probably. I don't remember.

Q. And did the Governor instruct you to call up Mr. Ekern and have him call at the office?

A. Not in that connection, no, sir.

Q. Well, you did call up Mr. Ekern and asked him to call at the Governor's office.

A. Monday evening.

Q. And did the Governor request you to be present at the conference with Mr. Ekern?

A. I don't recall whether he requested me to be present, or whether I simply walked in there.

Q. Well, had you ever walked in before without express invitation on the part of the Governor, when he was conferring with someone else?

A. Oh, yes.

Q. Well, have you any recollection as to whether or not you were asked in with the Governor to witness the conversation between him and Ekern?

A. I can't answer that definitely.

Q. You did overhear that conversation?

A. Yes, sir.

Q. And did you remain there when Mr. Ekern left?

A. Yes, sir.

Q. What conversation then was had between you and the Governor?

A. I have just detailed that, as we walked out into the main office.

Q. Well, who dictated the complaint and affidavit?

A. I took it up with Senator Wilcox and asked that he get the complaint in proper form.

Q. Well, was that done at the direction of the Governor or upon your own initiative?

A. Oh, that was upon my own initiative.

Q. Well, do you mean to say, Mr. Wilbur, that you drew this complaint without the express sanction and direction of the Governor?

A. I have just detailed why I made the complaint, Senator.

Q. Well, I am asking you whether you want the senate to understand that your act was done without the knowledge or direction of the Governor.

A. Oh, not without the knowledge of the Governor.

Q. Well, and without the direction of the Governor?

A. Yes, sir.

Q. Without any intimation that he would welcome such complaint?

A. No, the statement—the only conversation I think, as I recall it, was just as I detailed it a few moments ago.

Q. Well, at the time you made this affidavit what personal knowledge did you have of the facts that you stated in the affidavit?

A. No personal knowledge except—well, no personal knowledge.

Q. And what information other than the information of Mr. Richards did you have?

A. Oh, that had been common talk around the Capitol.

Q. Well, I mean any other information that purported to come directly from Mr. Ekern, or parties talking with him?

A. No, sir.

Q. None?

A. No, sir.

Q. What knowledge, then, was the basis of your complaint that you swore to?

A. The information that had come to me from Mr. Richards. The statements Mr. Ekern had made to the Governor. The statement of the night clerk at the Avenue Hotel that Mr. Ekern had made no move towards closing the political headquarters in the rooms he had opened. That about sums it up.

Q. Did you make inquiry whether Mr. Johnson knew those headquarters were opened at the request of Mr. Ekern?

A. Did I make inquiries of Mr. Johnson?

Q. Yes.

A. No, sir.

Q. Did you inquire of Mr. Johnson as to whether Mr. Ekern had power to close those rooms?

A. No, sir.

Q. Did you ask Mr. Gifford as to whether those rooms were held under the direction and control of Mr. Ekern?

A. No, sir.

Q. Did you at the time of making the complaint, know of any neglect of duty upon the part of Mr. Ekern?

A. No specific act omitted in connection with duty.

Q. Do you know of any act, whether it is specific or general, that he omitted to do as commissioner of insurance that he should have done?

A. No, sir.

Examined by Senator Weigle:

Q. Who was the Governor's favorite candidate for speaker of the assembly?

A. I cannot say that he had any candidate.

Q. Wasn't Tom Mahon the favored candidate of the Governor?

A. No, sir, not so—Tom Mahon was a very good friend of the Governor.

Q. Isn't it a fact Tom Mahon was secretary of the Bull Moose party in the fall campaign?

A. He was secretary of the state central committee of the Bull Moose party.

Examined by Senator Kileen:

Q. I would like to have you state that conversation that took place between the Governor while Mr. Ekern was there in the Governor's office and you were present.

A. Mr. Ekern came in and the first remark was something about the Governor being tired, or an arduous day and how he was standing it, and the Governor said he was standing it fairly well. The Governor then said: "Mr. Ekern, I want to talk to you about the speakership. What do you know about the speakership," something to that effect. Mr. Ekern said: "I just left Mr. Hull, who claims he has twenty votes" "pledged" or "here", "and more coming in, and that he has a cinch on the nomination" or "election". The Governor says: "That is a pleasant frame of mind for any candidate

to be in. Mr. Hull doesn't feel very friendly towards you, does he?" Ekern's answer was—I am not able to quote that exactly, but it gave the impression that there wasn't any—That Mr. Hull did not feel particularly friendly, because the Governor's next question was: "Is that because you are supporting Mr. Johnson, an opposing candidate?" And Ekern said he supposed so, or something to that effect—it has been a month since this happened. The Governor then said: "What is the fact regarding the story that you have rented rooms in the Avenue Hotel for Mr. Johnson's headquarters?" That is the first, Senator (to Senator Husting) that I heard of that information. He said: "It is true that I rented rooms over there." The Governor asked him then whether it was true that he was supporting the candidacy of Mr. Johnson and Mr. Ekern stated that it was, he favored the candidacy of Mr. Johnson, and then he added, after a short pause, "or Dr. Goff". The next question from the Governor was whether or not the story was true that he had made the statement to members of the assembly that there was a fight on in this state between the Governor and Senator La Follette, that in the speakership contest the members of the assembly must take position with one or the other, that there could be no middle ground. Mr. Ekern admitted that that was the fact. The Governor then stated that there was no contest between himself and Senator La Follette except a fictitious contest that was being used by certain persons to further their own political ambitions and aims. It was at that point, I think, that Mr. Ekern stated that he was glad to hear that. The next statement I believe was the statement that there was but one Governor in this state, and that his offices were in the east wing of the Capitol and not the north wing, that the statute under which Mr. Ekern was appointed commissioner of insurance was designated to take that office out of politics and prohibit any political activity; that the admissions of Mr. Ekern were a violation of that statute; that he must close the headquarters in the Avenue Hotel which he had opened; that he must close them that night, and refrain, actually refrain, from any further participation in this contest or there would be a new insurance commissioner when the legislature met. Then if I recall correctly, there was some discussion of Mr. Ekern's

view of that statute, to which the Governor replied: "There must be no splitting of hairs and no subterfuges, the proposition is that you close the headquarters which you have opened." Mr. Ekern stated: "The headquarters are Mr. Johnson's." The Governor replied: "There must be no subterfuge about this, Mr. Ekern. I am very sorry if such action will inconvenience Mr. Johnson, but I insist you close the headquarters you have opened and refrain from any further activity in this speakership contest, or there will be a new insurance commissioner when the legislature meets. Now, you can take your choice. Now, the interview is ended." Mr. Ekern made some statement that he would endeavor to conform to the statute as the Governor construed it, something to that effect, I would not give it definite now, and left the office.

Senator Randolph:

Q. Mr. Wilbur, you testified in your sworn complaint, neglect of duty on the part of Mr. Ekern, and you further testified that you received some of that information for that complaint from Mr. Richards. Is this Mr. Richards a member of the assembly?

A. Yes, sir.

Q. Mr. Wilbur, do you make it a practice of going around to other departments of this Capitol to see if the officers in charge are doing their duty?

A. No, sir.

Q. Just in this one instance you made it a practice?

A. I don't think—

Q. (Interrupting) Did you?

A. Pardon me, Senator. I don't think I have ever been in the insurance offices.

The Chairman: What is the further pleasure of the committee?

Senator Burke: Mr. Chairman, I move the committee rise and report.

Mr. Aylward: May I ask the gentleman a question or two, Mr. Chairman, before you report?

The Chairman: Yes.

Examined by Mr. Aylward:

Q. Were you invited to go in there that evening, Mr. Wilbur—

Mr. Wilbur: Pardon me, just a moment. Mr. Chairman, for information I would like to ask one question. I am here not as a party but as a witness under subpoena of the senate. I should like information as to whether or not the senate wishes me to answer the question asked by counsel of a private party?

The Chairman: Under the resolution under which this committee is acting on the part of the senate, adopted by the senate, the resolution states that the parties may appear by attorney. Therefore during the day the witnesses have willingly answered questions by counsel of Mr. Ekern.

Mr. Wilbur: That is the ruling, that I shall answer?

The Chairman: Yes.

Mr. Wilbur: Thank you.

Mr. Aylward: Just read the question, Mr. Reporter.

(Question read).

A. As I stated to one of the—

Mr. Aylward:

Q. (Interrupting) I just asked you a simple question.

A. I am going to attempt to answer it, Mr. Aylward. As I stated before this evening, I am unable to recall whether I was invited in there or simply walked in.

Q. You had no work in there?

A. No more than I have in that office at all times.

Q. Can't you decide whether you went in there by invitation of the Governor to listen to the conversation, or whether you went in there and listened to it without invitation?

A. I don't recall. There were people in the office. Judge Rosa—

Q. (Interrupting) I am asking you now with reference to going into the Governor's private office. Did you go in there at the request of the Governor to listen to this conversation or did you go in there and listen to it without invitation?

A. I have stated three times I am unable to recall.

Q. Which part you played?

A. Which part I played.

Q. Had you ever, when Mr. Ekern went into the Governor's private office with the Governor, followed him and listened to

conversation without invitation, or with invitation?

A. Pardon me just a moment. Is that related specifically to former conversations with Mr. Ekern?

Q. Any former meetings and conversations between the Governor and Mr. Ekern?

A. I cannot recall that question. Offhand I should say yes, but I am not sure.

Q. This is the only time you recall of such incident, is it?

A. That is the only time I definitely recall, yes, sir.

Q. Now, you stated, Mr. Wilbur, that you made this complaint on your own initiative. Was it you that got Mr. Belitz out of the revisor's office to go and examine the law with respect to complaints of this kind and how they should be framed?

A. Yes, sir.

Q. You did that?

A. Yes, sir.

Q. You had that control over Mr. Belitz, did you?

A. Oh, I had no control over Mr. Belitz whatever.

Q. Did you do that at the Governor's request?

A. No, sir. I will explain that.

Q. If you will pardon me, I will conduct the examination and you will answer my questions.

A. All right, sir.

Q. Did you invite Mr. Belitz to do that work?

A. I asked Mr. Belitz to go to the law library and meet Senator Wilcox there.

Q. Did you do that without the Governor's knowledgs?

A. Oh, absolutely.

Q. Absolutely. You took that responsibility. You heard Mr. Belitz's testimony with respect to his conversations with the Governor on this matter, didn't you?

A. Yes, sir.

Q. And as to how he and the Governor debated what kind of a complaint should be made and how it should be drawn, you heard that, did you?

A. Yes, sir. That is, I heard Mr. Belitz's testimony.

Q. And you heard the advice he gave to the Governor with respect to the form of the complaint?

A. I heard his testimony regarding that.

Q. And with respect to what kind of a hearing should be had?

A. I heard his testimony regarding that.

Q. And you heard the Governor's statement on the former hearing, did you, that you were his clerk and that you did consult with him with respect to the drawing of this complaint, did you not?

A. No, sir. I heard his statement that of course we had talked it over.

Q. That you talked it over with him?

A. Yes, sir. Not the drawing of the complaint. The entire matter.

Q. With respect to making charges?

A. Yes, sir.

Q. You say that there were rumors that you heard prior to the 6th of January. Who started the rumors to you?

A. They were general rumors.

Q. I ask you who stated them to you?

A. They were general rumors.

Q. Who stated them to you?

Mr. Wilbur: Mr. President, might I be allowed to answer that question?

Mr. Aylward: That is what I am trying to get.

The Chairman: Is there any good reason why you do not wish to answer the question?

Mr. Wilbur: I am endeavoring to answer it Mr. Chairman.

The Chairman: Is there any personal reason why you do not care to answer the question?

Mr. Wilbur. Oh, no, I am not declining to answer the question. I am asking permission to answer it.

The Chairman: you may answer it.

Mr. Aylward:

Q. Give me the names of some of the parties who stated the rumors to you?

A. There were general rumors about the Capitol.

Q. I am asking you, Mr. Wilbur—

A. (interrupting) I am trying to answer your question.

Q. Well, then, you can answer it in this way: Can you give me the names of any one, any person, from whom you heard or through whom you heard these rumors?

A. No, sir.

Q. You called the newspaper men to the Governor's office on the evening of January the 6th, did you not?

A. Yes, sir.

Q. About twelve o'clock at night?

A. No, I should say it was about ten—or shortly before twelve.

Q. And you gave them the Governor's ultimatum to Mr. Ekern, did you?

A. I gave them my version of what occurred in the Governor's office.

Q. And the Governor, as you gave it to the newspapers at that time, put his ultimatum, not on the ground of what Ekern had one, but in these words: "You must close the L. L. Johnson headquarters in the Avenue Hotel to-night and thereafter refrain from any participation in the speakership contest now in progress, or when the legislature meets next Wednesday I will see to it that Wisconsin has a new insurance commissioner." The Governor put it up to Ekern that he must do those things or he would "take his head off," did he not?

A. Not the way it is stated there, no, sir.

Q. You say it is not the way it is stated here?

A. No, sir.

Q. Was it in the way in which you just stated it?

A. Practically, yes, sir.

Q. That is, that he would remove him from office unless, first, he would close the L. L. Johnson headquarters at the Avenue Hotel that night.

A. Unless he would close the headquarters which he had opened in the Avenue Hotel.

Q. That was the L. L. Johnson headquarters, was it not?

A. Yes.

Q. So that was the first condition. The second condition was, he would remove him unless he also refrained from any participation in the speakership contest? That was the second condition?

A. Any further participation.

Q. Yes, any further participation. The Governor put his threat on those two grounds, did he?

A. The Governor gave Mr. Ekern his choice.

Q. I say he delivered his ultimatum based on those two grounds, did he?

A. He made the statement as I gave it.

Q. That you understood was his ultimatum?

A. I didn't understand anything about it. I understood it just as he said it.

Q. That is, he would "take his head off" unless he did those two things?

A. Yes, sir.

Q. It was not for what he had done, but if he did not do those two things he would remove him?

A. For what he had done.

Q. What?

A. For what he had done.

Q. Is that the way he put it?

A. Well, that is the effect of it.

Q. Well, now, Mr. Wilbur, if you say you did this on your own initiative, I assume if you knew of any other high official in the state that was violating the laws of the state you would also feel obliged to make complaint against him, would you not?

A. Probably, yes, sir.

Q. It was not any special grudge against Ekern?

A. Oh, no.

Q. For instance, if you knew that the Governor persistently, in the last campaign, violated the Corrupt Practices Act of this state you would feel called upon to make complaint to the legislature, would you?

A. I have no information.

Q. I didn't ask you that. I asked you if you had such information, would you feel called upon to make complaint?

A. Yes, I might.

Q. Have you seen the expense account that the Governor filed with the secretary of state?

A. Yes, sir.

Q. And in that do you notice that the Governor, in his personal account—

Senator Browne: Mr. Chairman, I wish to make objection to that testimony as being wholly irrelevant, incompetent and immaterial. If we go into the Governor's expense account we

could go into every one else's expense account, and I think there are probably expense accounts here that maybe the counsel would not care to go into on his side.

Mr. Aylward: I will say, in respect to that, I would be very pleased to have the senator or the senate go into any expense account I have ever filed, and I would be very pleased to have them go into our last political expense account. It would please me highly. I invite them to do it.

Senator Browne: Well, they may take the opportunity to do it, because I know you are considerably behind, and according to the Corrupt Practices law, you cannot spend money and incur indebtedness unless you have it in the treasury.

Mr. Aylward: I want to say to the senator that you cannot connect me with that expense account at any place or any point, and I welcome an investigation and would like to see the Corrupt Practice Act of this state enforced.

Senator H. C. Martin: I raise the point of order this is entirely out of order, this colloquy between the senator and the counsel.

The Chairman: The senator from the 21st has the floor.

Senator Browne: I did not mean any insinuation against counsel, but simply the democratic party.

Senator Randolph: I move you that the committee of the whole do now rise and report progress.

The Chairman: Gentlemen, you have heard the motion of the senator from the 15th that the committee do now rise. Those in favor of the motion will say aye: those opposed no. The ayes have it, and the committee will rise. The president will take the Chair.

(Lieutenant Governor Morris took the chair).

Senator Scott: Mr. President.

Senator Bishop: Mr. Chairman, I move we do now adjourn.

Senator Scott: Mr. President, will you allow the committee to report?

Senator Bishop: Excuse me. I will withdraw my motion.

Senator Scott: I have the honor to report further progress, Mr. President.

Thereupon pursuant to motion duly made, seconded and carried, the committee adjourned until February 6th, 1913, at ten o'clock A. M.

Senate Chamber, Madison, Wisconsin,
February 6, 1913, 10 o'clock A. M.

The Senate was called to order by the President. Upon motion of Senator Randolph.

The senate resolved itself into a committee of the whole.
Senator Scott in the Chair.

The Chairman: What is the pleasure of the committee?

Senator Burke: Seeing that Mr. Wilbur is present, I would like to ask him one question.

HARRY WILBUR, heretofore called as a witness and heretofore sworn, resumed the stand, and on oath testified as follows:

Examined by Senator Burke:

Q. Mr. Wilbur, in speaking of the different candidates for the speakership last evening the matter was not very clearly brought out. Did Governor McGovern have any particular choice for a candidate for speaker of the assembly?

A. No, sir.

The Chairman: The witness will consider himself under oath.

Mr. Wilbur: (to the Chairman) Yes, sir.

A. (continued) No, sir. The circumstances covering the Governor's position in that matter, Senator were briefly these: He stated that he wished the program of the party in power carried through, and he was opposed merely to the election of any speaker of the assembly whose candidacy was based first of all upon hostility to him. On those grounds he merely opposed the candidacy of Mr. Johnson and Dr. Goff. He advocated the candidacy of no man.

Q. Otherwise he had no personal choice?

A. No, sir.

Examined by Senator Randolph:

Q. Mr. Wilbur, is it not a fact that the candidacy of Mr. Nye was wholly run from the Governor's office?

A. That is not a fact.

Q. It is not a fact?

A. No, sir.

Q. And Mr. Nye was not commonly known as the Governor's candidate?

A. The newspapers stated that.

Q. Was it ever denied?

A. I don't know whether it was, in the newspapers, or not.

Q. I mean was it ever denied by anyone from the Governor's office?

A. Oh, I denied it several times.

Q. That Nye was not the candidate?

A. Nye was not the Governor's candidate; not that Nye was not a candidate.

Q. Did the Governor deny that Nye was not his candidate?

A. I cannot recall that again. He talked to many people. I do not know what he said on that. I know merely his instructions to me.

Q. It appears by the testimony that when the Governor has conferences with members of the legislature you are very apt to be present, and did you in any of those conferences hear the Governor say that Nye was not his candidate?

A. I did not hear him say that he was or was not his candidate. His statement in conferences was simply as I have outlined it to the Senator from Brown.

Q. Then the only knowledge you had that he was his candidate was simply from newspapers?

A. I had no knowledge Nye was his candidate at all.

Q. You had knowledge from the reports you read in the newspapers?

A. No, sir. I saw that statement in the newspapers. I had no knowledge of it at all.

Q. You did not believe Mr. Nye was the Governor's candidate?

A. I knew the newspapers were wrong.

Q. You did not believe Mr. Nye was the Governor's candidate?

A. No, sir. I have stated the Governor's position.

The Chairman: Any further questions by any members of the committee?

Senator Burke: I would like to know if Mr. L. A. Anderson is in the room. I would like to call Mr. Anderson to the witness stand.

Mr. Aylward: May I ask the witness just a question, Senator, if you will?

Senator Burke: Yes.

Examined by Mr. Aylward:

Q. Are you the Governor's executive clerk?

A. Yes, sir.

Q. You were here all day yesterday?

A. Yes, sir.

Q. I notice in the Governor's message to the senate that he says: "Aside and apart from other considerations, proper attention to the duties of my office will not permit me or my executive clerk to engage in any such protracted trial or hearing as that contemplated." Has your duties lessened since the message was written?

A. No, sir.

So that you have an abundance of time and have had it, to take part in the proceedings if you see fit, haven't you?

A. No, sir. I am here as a matter of courtesy to the senate, a co-ordinate branch of government.

Q. But you have time to be here?

A. I am here under subpoena of the senate.

Q. You stated just now, Mr. Wilbur, that the Governor was opposed to Mr. Goff and Mr. Johnson. That was true, was it?

A. Yes, sir, for the reason stated.

Q. Well, I didn't ask you—I asked you whether that was true or not?

A. It was true for the reasons stated.

Q. So that the Governor was taking an active part in the organization of the House then?

A. I have stated the Governor's position.

Q. Well, was he taking an active part in the matter of the organization of the House?

A. He was opposed to the candidacy of any man, to the election of any man whose candidacy was based upon opposition to him, and which tended to disrupt harmony between the Governor and the legislative branch.

Q. He was opposed, then, to two of the active candidates, was he?

A. For the reasons stated, yes, sir.

Q. Well, he was opposed to them?

A. Yes, sir, for the reasons stated.

Q. Were you present at a conversation that the Governor had with Assemblyman Jensen?

A. No, sir. I am not even acquainted with Assemblyman Jensen.

Q. You did not hear him ask Assemblyman Jensen not to support Goff or Johnson because they were opposed to him at Chicago?

A. No, sir.

Q. Or words to that effect?

A. No, sir.

Q. And in addition to remember and support his friend Nye?

A. I heard no such statement.

Q. In the conversation that you related, that you listened to between the Governor and Ekern on Monday evening, the 6th of January, did the Governor tell Ekern that he was going to control the election of speaker?

A. No, sir.

Mr. Aylward: That is all.

The Chairman: The witness may be excused.

Mr. Wilbur: Mr. Chairman, that dismisses me from the subpoena?

The Chairman: Unless you might be called later.

Mr. Wilbur: Well, I wish to state that there are matters that require my presence in the executive office, and, if it is satisfactory to the senate, I will be in reach any time by telephone call.

The Chairman: That is entirely satisfactory.

Mr. Anderson, L. A. Anderson.

LOUIS A. ANDERSON, being first duly sworn, on oath testified as follows:

Examined by Senator Burke:

Q. Mr. Anderson you are the gentleman who was appointed by the Governor to take the position of insurance commissioner in place of Mr. Ekern?

A. Yes, sir.

Q. I will ask you, Mr. Anderson, were you implicated, either directly or indirectly, in any of the proceedings or any of the matters leading up to the proceedings which culminated in the removal of Mr. Ekern?

A. I was not.

Q. Had you any knowledge that such proceedings were being initiated?

A. No, sir.

Q. Did you at any time solicit the appointment of the position from the Governor, or anybody in your behalf?

A. No, sir.

Q. Where were you at the time these proceedings were instituted?

A. At Rock Island, Illinois.

(Witness refers to a memorandum book).

Q. And how long previous to that time were you out of the city?

A. I left here on a sleeper that you can get into at ten o'clock in the evening. It is picked up, I believe, by a train that runs through at about three in the morning and reaches Chicago at seven-five on Tuesday morning.

Q. What day was that. date?

A. That was Monday evening I went into the sleeper and left Tuesday morning.

Q. What date of the month?

A. The 7th.

Q. Of January?

A. Yes.

Q. Then when did you return to the state again?

A. On Friday evening, January 10th.

Q. Did you have any communication from anybody, from the Governor's office, during that time?

A. No, sir.

Q. Did you communicate to the Governor, or anybody through you, of any connection which Mr. Ekern might have had with the candidacy of Mr. Johnson?

A. No, sir.

Senator Burke: I think that is all, Mr. Anderson.

Examined by Senator Bosshard:

Q. On what date, Mr. Anderson, was your proposed

pointment as insurance commissioner in place of Mr. Ekern . first communicated to you?

A. My appointment?

Q. The matter of your appointment. When did you first receive any information that was being considered?

A. I believe on Saturday morning, January 11th.

Q. Through whom did you receive that information?

A. On Saturday morning I was not feeling well and did not go to the office as usual. Along about ten o'clock my wife called me down from upstairs and said the Governor wanted to see me.

Q. Did she call you to the telephone at that time?

A. Yes, sir.

Q. And was the Governor on the other end of the line?

A. I beg your pardon. I do not believe I answered the phone at that time, if I remember rightly.

Q. What was the telephone call that came to you at that time, that your wife answered?

A. That the Governor wanted to see me.

Q. A message that the Governor wanted to see you?

A. Yes.

Q. You do not know who was talking through the phone from the Governor's office, do you?

A. I do not. Now, Mrs. Anderson had talked to Mr. Haugen of the Tax Commission, and she told me that my name was being considered for the place.

Q. Was that talk between Mr. Haugen and Mrs. Anderson during the period of your absence, between the 7th and the 14th?

A. Yes, sir.

Q. Do you remember what day of that week that conversation took place?

A. I cannot state that except from what she told me. I believe it was on the 8th. The day of the removal.

Q. Where did the conversation take place between Mr. Haugen and your wife?

A. Over the telephone, as I understood it.

Q. As I understand it, Mr. Haugen called up your wife?

A. No, sir. She told me that she called him up.

Q. She called him up. You do not recall what day of the

week in the week between the 7th and the 14th it was that your wife called him up, or have you any knowledge on that question?

A. Well, I will have to tell you what she told me. That on the forenoon of the 8th Miss Rose Anderson, Mr. Ekern's sister-in-law and stenographer, called up Mrs. Anderson, my wife, in an excited way, and said: "You know we had so much trouble here this morning," but before my wife could find out what the trouble was the connection was cut off. Then she said that she telephoned to Mr. Haugen, who is a good friend of ours, to find out what the trouble was.

Q. Mrs. Anderson telephoned?

A. Yes. I am stating this from the way it was told to me, of course, as I remember it.

Q. Well, just repeat. Mrs. Anderson telephoned Mr. Haugen. And what was the conversation between Mr. Haugen and your wife?

A. Of course, I cannot testify as to the exact conversation.

Q. Well, as she told you.

A. She told me the purpose of calling him was to find out what to do, if she should send for me; if there was anything I could do.

Q. Did Mr. Haugen, do you know, at that time apprise your wife of the fact that your name was being considered for appointment to the commissioner's position?

A. She said he told her to let me stay where I was.

Q. Did he inform her at that time as to what the nature of the trouble was in the insurance commissioner's office, or did your wife at that time learn what the trouble was?

A. I believe so. He informed her that Mr. Ekern had been removed.

Q. Now, then, did he, in that same conversation, inform her of the fact that your name was being considered by the Governor for this position?

A. I cannot answer that except as I stated that he told her to let me stay where I was.

Q. Now, do you know whether Mr. Haugen and Mrs. Anderson, your wife, had any further telephone conversations during that week?

A. I do not.

Q. The only one you have knowledge of is that one that you refer to just now?

A. Yes, as they told me.

Q. And that took place during your absence?

A. My absence, yes, sir.

Q. And your wife told you about it on your return, on Friday of that week?

A. Friday night, yes, sir.

Q. It was Friday that you returned?

A. Yes, sir, Friday night, on the late train.

Q. Now, on your return, did you personally have any conference or interview with Mr. Haugen in regard to your proposed appointment?

A. I went directly to his office on Saturday morning.

Q. On Saturday, what date?

A. The 11th.

Q. He was the first person you saw and talked this matter over with, Mr. Anderson, was he not, upon your return?

A. Yes, sir. That is, outside of my—

Q. What time of the morning was it that you interviewed him?

A. Well, it was shortly before noon.

Q. And will you state now as near as you can remember the conversation, the dialogue, that took place between you and Mr. Haugen with reference to this matter.

A. Well, he stated, what I had of course learned through the newspapers and otherwise, that the Governor had removed Mr. Ekern from the office of insurance commissioner, and that the Governor was considering my name for the place. I hesitated to say whether I would accept or not, because my work as actuary had been very interesting and agreeable, and I didn't know whether I should accept or not. Then it was said in the discussion that a refusal on my part to accept the office could not restore Mr. Ekern to the office.

Q. That statement in the discussion was made by who?

A. By Mr. Haugen, I believe. In the meantime Mr. Myrland had also come into the room and he joined in the conversation.

Q. Who is the last gentleman you named?

A. Mr. A. J. Myrland, the secretary of the Commission.

Q. Of the Tax Commission?

A. Yes.

Q. And they told you at that time that your refusal to accept would not in any wise redound to the advantage of Mr. Ekern so far as keeping him in office?

A. Yes, sir, that was the substance of it.

Q. And did they tell you at that time that his removal had been brought about in legal and valid manner?

A. They were of the opinion that the Governor had looked up the law and knew what he was doing.

Q. And that the removal or pretended removal would be effective?

A. Yes, sir.

Q. And legal in every way?

A. Yes, sir.

Q. And they so informed you at that time?

A. Yes, sir.

Q. And after they informed you of that fact, Mr. Anderson, did your views with respect to the matter of accepting the proposed appointment change?

A. I was considering it.

Q. You began to consider it?

A. Yes, sir, I believe I began to consider it seriously.

Q. How long did this discussion take place?

A. I cannot state exactly, but perhaps fifteen or twenty minutes, as I remember it; maybe longer.

Q. After you left the office where did you go? The Tax Commission.

A. I went directly home again.

Q. When was it following your visit with Mr. Haugen that you finally decided in your own mind that you would accept the appointment if offered?

A. Not until some time after. If you will pardon me, I will suggest—

Senator Bosshard: Go ahead.

A. (continued)—that Mr. Haugen called the Governor on the phone while I was there, and the Governor replied he wanted to see me at 2:30 that afternoon and accordingly I went to the Governor's office at 2:30 that afternoon.

Q. That was 2:30 what, on Saturday, January 12th?

A. January 11th.

Q. That was on Saturday, January 12th?

A. 11th.

Q. The 11th?

A. Yes, sir.

Q. You kept that appointment?

A. I did. I went there at that time.

Q. And state, Mr. Anderson, what the talk and conversation between you and the Governor was at that time?

A. I was ushered into the room where the Governor was alone and I said: "I understand you want to see me." He said: "Yes." Then he said: "As you may know," as near as I can remember his exact words, "As you may know I have removed Mr. Ekern from the office of commissioner of insurance and I am thinking of appointing you to fill the vacancy." I said: "I certainly thank you for the confidence that that suggestion implies." Then he went on to state that if he did appoint me it would be with the specific understanding that I should keep absolutely out of politics and keep the department out of politics. He mentioned that the insurance department should be out of politics as completely as the banking department, and, I think, the railroad department was mentioned. I replied that I would not accept on any other condition.

Q. Was there any further talk you recall now?

A. Not of any importance. He asked my name, my full name, which I gave him. He wrote it down on a piece of paper and put it in his pocket. And then I left. The interview lasted only a few minutes.

Q. Did you then, during that conversation, before you left, finally state or agree with him that you would accept the appointment if offered you?

A. I did not.

Q. Did you have any arrangement tentative agreement with him that you were to let him know later on—

A. (Interrupting) No, sir, I did not.

Q. (Continued)—how you decided?

A. No, sir.

Q. Did you ever give him any definite statement on that subject; any clear answer to the effect that you would accept the appointment if offered?

A. Perhaps I can help you make progress by stating what followed, if you wish.

Senator Bosshard: Well, do that.

A. I went directly to the Tax Commission office again from the Governor's office, because I wanted to discuss it with Mr. Haugen as to the advisability of my accepting, and both he and Mr. Myrland, who was there at that time also, advised me very strongly to accept, because they were of the opinion that if I did not accept somebody else would, and that a refusal on my part could not restore Mr. Ekern to the office. That interview lasted some time. I don't know just how long. But I went from there to the insurance department to look over some mail that I expected would be there, and, as I was going to a meeting that night, I had to hurry home. I just stepped into the private office of the commissioner for two or three minutes. The discussion there was—well, I asked what was the matter since I had been away, and then Mr. Ekern began to talk about the case rather profusely, to which I said little or nothing.

Q. Did Mr. Ekern at that time ask you whether you intended to accept the appointment if offered you?

A. No, sir.

Q. That was not discussed?

A. No, sir.

Q. And was there any interchange of talk or communication between you and Mr. Ekern on the question of your accepting that appointment outside of that which is contained in the telegram of Mr. Ekern to you and your response to his telegram, to Mr. Ekern?

A. No, sir.

Q. That has been the only discussion on that point between you and Mr. Ekern?

A. Yes, sir.

Q. Have you at any time since your conference in the Governor's office on that Saturday sent word to the Governor that if the appointment came to you that you would accept?

A. No, sir.

Q. But you did, in pursuance of that appointment, file a bond?

A. If you will pardon me, I will just tell what happened

and then you can ask questions if you want to. On Monday I **stayed** in my house. For one reason I had a sore throat. **Second**, I had some work in hand I wanted to work on in a quiet **place**, and I did not go to the office that day. I was up town **during** the noon hour to go to the bank and attend to some **business**, but I did not go to the insurance department, went **directly** back to the house. On Tuesday morning I went back to the office and began dictating letters, answering correspondence that had accumulated, and was busy with that all day **until** I think about four o'clock Mr. Wilbur called me on the **phone**, and asked me to step to the Governor's office at 5:30, **which** I agreed to do. At that time I had already planned to **leave** the city that night to go to Sioux City. Stated Sioux Falls yesterday. Sioux City, Des Moines and Rock Island, **and** be gone the rest of the week.

Q. Well, continue. You kept that appointment with him at 5:30?

Yes, sir, I went to the Governor's office at 5:30. I was **ushered** into the room adjoining the Governor's private office. **There** was Senator Wilcox sitting at a table with a number of **papers** before him. In a few seconds the Governor came in **and** turning to the Senator said: "Have you found anything **different**?" The Senator said: "No." He said: "I can't **find** anything different." Then the Governor turned to me **and** said: "Then I will send your appointment to the senate **to-morrow**." I said: "I will leave that to your good **judgment**," and then I told him that I planned to leave the city that night and expected to be gone the rest of the week. He **said** that would make no difference. Then I went back to the insurance department and gathered up papers and things that I had to take with me on that trip.

Examined by Senator Randolph:

Q. Mr. Anderson, you testified that on January the 11th you **did** not come to your office at the Capitol?

A. Yes, sir.

Q. Were you feeling ill on the 10th?

A. I was taken ill during the night.

Q. During the night?

A. Yes, sir.

Q. But after you got this information from the Governor about appointment you were able to sit up then and take nourishment, weren't you?

A. Well, I was up during the night.

Q. And you also were able to go down to the Governor's office that day?

A. Along in the morning it passed off. I was feeling better.

Q. Oh, in the morning?

A. Yes, sir, along in the forenoon.

Examined by Senator Husting:

Q. Mr. Anderson, when you visited Mr. Haugen the first time did Mr. Haugen assume to speak for the Governor?

A. No, I think not.

Q. Well, did he not tell you that the Governor had asked him to speak with you on the subject.

A. He said in substance that the Governor had conferred with him.

Q. Well, wasn't it a part of that conference that he was to ask you to come to his office that he might speak to you?

A. I cannot answer for either he or the Governor on that.

Q. I am asking you what he said, whether he did not say that the Governor had asked him to confer with you as to whether you would accept the office or not?

A. No, I don't think he said that.

Q. Well, did he say to you that the Governor had suggested to him that he might call you to his office and talk to you about it?

A. I don't think he said that.

Q. Well, what did he say as to why he took any part in this matter?

A. Well, as I understood it, if there was a vacancy he would like to see me appointed to fill it, as a friend.

Q. The Governor had already told him he was considering you, had he not?

A. I so understood.

Q. And that he had called on the Governor and had invited you down to his office?

A. Mr. Haugen you mean, or the Governor?

Q. Yes, Mr. Haugen?

A. I went there, yes, in response to a telephone call.

Q. Did you make up your mind in Mr. Haugen's office you would accept if offered to you?

A. Not finally.

Q. How long were you in Mr. Haugen's office?

A. Well, it may have been an hour, possibly more, or possibly less.

Q. Well, you had pretty well made up your mind that if the office would come to you you would take it, had you not?

A. I was beginning to think that way, yes, sir.

Q. When you went to the Governor's office and spoke with him about the matter did he substantiate what Mr. Haugen had told you?

A. Yes, in effect he did.

Q. Had Mr. Haugen been re-appointed at that time?

A. I think so. That is a matter of record, though. I don't know. I don't remember.

Q. You don't know whether he had been or not?

A. I don't remember.

Q. Had you seen rumors in the paper or notices in the papers that Mr. Haugen was not to be re-appointed?

A. I don't think I had seen anything of that kind.

Q. Was anything said at that first time in regard to what manner you would take possession of the office?

A. Beg pardon?

Q. In your first interview with the Governor was anything said with regard to the manner in which you would take possession of your office?

A. No, sir, I don't think so, not that I remember.

Q. Was anything said at that time or at any other time that it would be easy for you to take possession of the office because you had free access to the office?

A. No, sir, don't recall anything of that kind.

Q. Didn't the Governor and Mr. Haugen, or Mr. Wilcox, tell you that you would have no trouble in taking possession of the office because you, being an employee of the office, had free access, free ingress and egress to the office?

A. I don't think that was mentioned.

Q. Don't think it was ever mentioned?

A. Not in those conversations.

Q. Wasn't it told you by Mr. Haugen that was probably the

reason you would be appointed, because you would be in a position to more easily take possession of the office than anyone else?

A. No, sir, Mr. Haugen made no such statement to me that I can recall.

Q. Now, the day after you had decided to accept the appointment you say you called at the office, or, was it the same day?

A. Beg pardon?

Q. I understood you to say that either the day that you had the first conversation with the Governor, or the next day, you called at the office and saw Mr. Ekern?

A. On Saturday, between five and six I saw Mr. Ekern for, I think, two or three minutes.

Q. You had come directly from the Governor's office to the insurance commissioner's office?

A. No, I came directly from the Tax Commission office to the insurance office.

Q. After you talked to the Governor you went back to Mr. Haugen?

A. Yes, sir.

Q. What conversation did you have with Mr. Haugen the second time?

A. We discussed the situation in a general way.

Q. What situation?

A. That there was a vacancy and he thought I was qualified to fill it, and would like to see me appointed.

Q. Well, you went back and told Mr. Haugen that the Governor had practically offered you this position?

A. Yes, sir.

Q. And that you had decided to accept?

A. I didn't say that I had decided to accept.

Q. Well, you had told the Governor that you had decided to accept?

A. No, sir. I told the Governor I would never accept except upon the condition he named.

Q. Well, that was an acceptance, then, an acceptance of the office and the conditions under which it was tendered to you?

A. He didn't say finally he was going to appoint me, or finally that he would not. I nevertheless considered it an offer.

Q. What was your understanding when you left the office as to whether you were going to be appointed or not be appointed?

A. My feeling was he would like to consider a little more before he took final action.

Q. When you saw Mr. Ekern that evening did you say anything to him about having visited the Governor?

A. No, sir.

Q. Did you tell him the Governor had tendered you to the office?

A. No, sir.

Q. Did you tell him you had practically decided to accept the office?

A. No, sir.

Q. Why did you not mention that to Mr. Ekern?

A. My first impulse was to go and tell Mr. Ekern all about it, but, in discussing that with Mr. Haugen and Mr. Myrland they advised me not to do it, and it developed in the conversation—I began to think that there was just as much propriety in allowing the Governor to make the announcement at such time as he might see fit.

Q. What was the reason given by Mr. Haugen why it would be better not to advise Mr. Ekern of the fact?

A. Well, as I understood it the information was given to me by the Governor somewhat confidentially.

Q. Did he tell you to keep this confidential?

A. He didn't say so in so many words, no.

Q. Well, now, after you had decided to accept the way you have already testified to, when the papers were prepared by Mr. Wilcox you again visited the office, did you not, before your trip west?

A. On Tuesday evening at 5:30, I said.

Q. Was Mr. Ekern in the office then?

A. He was in the office that day but he was not there when I returned.

Q. You had been down town on Monday and also had been down town on Tuesday?

A. Beg pardon?

Q. On Monday and Tuesday you had been down town?

A. On Monday I was down town during the noon hour for a few minutes.

Q. And on Tuesday?

A. I was in the office all day.

Q. In the office?

A. Yes, sir.

Q. Mr. Ekern was there part of the time?

A. Most of the time.

Q. Did you say anything to him that day—

A. Not about the Governor's—

Q. (continued)—about your having accepted the position?

A. No, sir.

Q. Had you spoken to the Governor as to whether you should tell Mr. Ekern?

A. I don't think that was mentioned.

Q. Don't think it was mentioned?

A. No, sir.

Q. So Mr. Ekern had no intimation that you were to receive the appointment when you left for the west?

A. Not that I knew of.

Q. Now, the day that you arranged to take possession of that office where did you start from?

A. I went to the office of Mr. Nicodemus at twelve o'clock and got my bond. That had been previously arranged for. I took that to the Governor's office. He looked it over and approved it. I also took the oath of office.

Q. What was said about your taking possession of the office?

A. That was discussed somewhat, as to the best mode of procedure.

Q. What plan did you adopt?

A. I suggested that the most dignified way would be to go there and make a formal demand that Mr. Ekern turn over to me the books, records and effects of the office. I didn't think that he would offer any resistance, physical resistance.

Q. Have you not heard in the papers that Mr. Ekern refused to give up the office?

A. Yes, but I don't believe everything I see in the newspapers.

Q. Didn't you have other intimations that Mr. Ekern was staying there day and night in the office, ready to resist?

A. Nothing but newspaper comments.

Q. Didn't you hear the talk in the Capitol?

A. I don't think I heard anyone talk about it in the Capitol, no.

Q. You don't believe much the newspapers—

A. (interrupting) I said I don't believe everything I see in the newspapers.

Q. Well, now, did you have any other reasons to believe that Mr. Ekern would resist his ousting?

A. No, I don't think so.

Q. Well, what other plan was proposed?

A. I think the suggestion was made by someone, I have forgotten who, that we might send a policeman down there and throw him out. I think the matter of sending militia was mentioned, to throw him out, but I don't think that any of those measures were seriously proposed or intended to be used by anyone until all peaceable means had failed.

Q. Who suggested calling out the militia?

A. I don't remember. I just have a faint recollection it was mentioned there.

Q. Was it the Governor?

A. It may have been.

Q. Who suggested calling the police out?

A. I can't say that I remember that definitely.

Q. Well, what was the plan finally adopted? How was it to be done?

A. The plan that was followed.

Q. Well, tell us what that plan was?

A. That I was to go to the state treasurer and file my bond, then to the secretary of the state and file my oath of office, then go from there to the superintendent of public property and ask him to provide suitable quarters for me according to law.

Q. Who was there at this council as to procedure?

A. Beg pardon?

Q. Who was present at the Governor's office when the plan was discussed?

A. My attorney was there, Mr. Butler, and I think Mr. Wilcox was there at least part of the time, and I think Mr. Wilbur was in and out of the room.

Q. Was the Governor there?

A. Yes, certainly.

Q. And Haugen?

A. No, sir.

Q. What was said about where you were to go and in what manner you were to go, to get into Mr. Ekern's office?

A. Well, I was to go into the office.

Q. And you were to stay there until he was put out. Was that it?

A. Oh, you mean when Mr. Essmann and I walked in?

Q. No, before you left were you instructed to go into Mr. Ekern's office and not leave the place until Mr. Ekern had been ousted?

A. There was no such instruction.

Q. What, then, was done when you went to Mr. Essmann's office?

A. We walked into the commissioner's private office, so-called, and I stated to Mr. Ekern that I was informed by my counsel that he had been legally removed from office and that I had been legally appointed to take his place, and I said: "I ask that you turn over to me all the books, records, moneys in your custody, and all effects pertaining to the department." He replied, in substance at least, that he denied that I had any legal right to it. Then I turned to Mr. Essmann and said, "I ask you, then, to provide suitable quarters for me according to law."

Q. And Mr. Ekern refused to turn them over?

A. He refused, yes, sir.

Q. What was said by Mr. Essmann then?

A. Mr. Essmann said he would have to get his men if he refused.

Q. Well, what did you do?

A. I stayed there for a few moments, just waited.

Q. Then?

A. Then Mr. Ekern requested me to step out, giving me to understand that he wanted to engage further in conversation with the men that were in that office. I stepped out.

Q. Was that a part of your program, to step out of the office?

A. No, sir. I stepped out without thinking of what might happen.

Q. What instruments were used to break down the door?

A. Beg your pardon?

Q. What instruments were used later to break down the door?

A. I didn't see them.

Q. You were not present?

A. I stood up outside of the door to the private office, in the large room, for a few minutes, and then I sat down on the chair usually occupied by Chief Clerk Sheperd. He was not there and I sat there, and after awhile Mr. Essmann and his men went into the shipping or mailing room, as it is called, and began to try to open that door. The doors were closed and I didn't see what they were doing, although I heard some noise.

Examined by Senator Randolph:

Q. Mr. Anderson, after January the 11th your conversations were not quite so extended as they were before, between you and Mr. Ekern?

A. Beg your pardon?

Q. After January the 11th your conversations with Mr. Ekern were not so extended as they were previous to January 11th, were they?

A. I don't know as there was any difference.

Q. Well, didn't you seem—on the 13th you didn't have much to say to him, did you, 14th?

A. On the 13th I was not in the office.

Q. Not in his office?

A. No, sir.

Q. But you have been in the habit, haven't you, of having frequent conversations with him?

A. At times when he had anything to discuss.

Q. But they were not so extended after the 11th?

A. There was hardly time for any lengthy discussions between he and me then. I was busy nearly all day Tuesday with correspondence.

The Chairman: Any further questions by any member of the committee?

Examined by Senator Bishop:

Q. I want to ask Mr. Anderson how long you served as actuary for Mr. Ekern before you were released?

A. Beg pardon?

Q. How many months, how long did you serve as actuary for Mr. Ekern?

A. Served since January, 1907.

Q. Where were you at the time you received your release as actuary, or dismissal?

A. When I received a telegram which purported to suspend me from office I was in Des Moines, Iowa.

Q. Did you, on the receipt of the telegram, drop your duties as actuary?

A. I did not.

Q. When did you cease to be actuary?

A. I considered that I ceased to be actuary on the 21st of January when I qualified as commissioner.

Q. When you qualified as commissioner?

A. Yes, sir.

Q. Did you consider that the bond that you had given as actuary ceased, or became void?

A. The bond I had given, you say?

A. Yes, sir.

A. I was not under bond as actuary.

Q. You were not?

A. No, sir.

Q. What kind of transportation did you travel on when you were making this trip to Des Moines and Rock Island, did you travel on a mileage book?

A. No, sir. I bought tickets from place to place.

Senator Ackley:

Q. I would ask you, Mr. Anderson, do you consider yourself an employee of the insurance department at this time?

A. I contend that I am the legally appointed commissioner at the present time.

Q. And you are not actuary?

A. No, sir.

Examined by Senator Linley:

Q. Are you going to take any steps to get the office, Mr. Anderson?

A. Well, that matter is in the courts now, as I understand it. I have left it with my attorney.

Q. Have you brought an action in the courts?

A. Well, the Governor appointed the attorney whom I had consulted, to look after our interests; protect our legal rights.

Q. Have you begun any action at all, any proceeding of any kind?

A. Only defending the action that was started.

Q. Well, are you going to take any affirmative action after that is over? Do you have in mind taking any affirmative action to get the office?

A. I have left that to my attorney, to protect any legal rights I may have. Now, I am not a lawyer, and I cannot enter into that in detail.

Q. No, but haven't you some intention on the subject?

A. It is my intention to test the legality of it. If the courts hold that I was legally appointed, of course I shall try to take possession. If the courts hold otherwise that will be the end of it.

Q. Are you going to start that action very soon now?

A. Nothing has been said about that.

Examined by Senator Bosshard:

Q. You stated, Mr. Anderson, that you now consider yourself the legally appointed insurance commissioner of the state, and, in response to the question of Senator Linley, stated that the legal end of the matter is in charge of your attorney. Now, Mr. Ekern, as you know, has at least maintained physical possession of the office?

A. Yes, sir, I know that.

Q. From the time of your appointment, has he not?

A. Yes, sir.

Q. He has had possession of the rooms of the department and of the records that go with it?

A. Because of the restraining order issued by the court, temporarily.

Q. Now, have your attorneys advised you at all that, in order for you to fully try the title to the office and to determine who is the present rightful incumbent, it would devolve upon you to start an action in quo warrant to?

A. No.

Q. They have not?

A. They have not informed me.

Q. And you yourself have not taken any steps thus far, as a plaintiff in any action against Mr. Ekern, the purpose of which would be to test the title to the office?

A. No, sir, I haven't taken any action. Simply waiting for the court to decide the question that is now before the court, as I understand it.

Q. As you understand it, is it your understanding that this present action in which Mr. Ekern appears of plaintiff will in any wise determine the present status of who is commissioner or not? Will in any wise determine the question of title to the office. Is that your understanding of it?

A. Well, my understanding is that it will go toward that end, but just what the effect of the present form of action is I cannot say because I am not a lawyer.

Q. Well, is it not your understanding, gained from conversations and consultation with your attorney, that no form of judgment that may be entered in this present action will in any wise determine who, at this time, rightfully holds title to that office? Isn't that the fact, and isn't that your understanding of the fact?

A. I think they have said that this is not, technically, a trial of the right to the office. I am sorry I cannot discuss that with you fully, because I am not a lawyer.

Q. Well, I will ask you, with Mr. Ekern in physical possession of the office at that time, and you rightfully claiming to be present duly appointed and qualified commissioner, why haven't you, taking into account the importance of the office and with due regard to your own convictions on the question of your being rightfully appointed officer, why haven't you, up to this time, Mr. Anderson, forced the matter to an issue in the courts in an action of your own wherein you appear as plaintiff?

A. Because I have respect for the order of the court restraining me from trying to take possession physically.

Q. Well, do you understand that that would in any wise bar you from pursuing your legal remedies to determine the real title to the office?

A. No, I do not.

Q. And isn't it your understanding, with one party claiming to be the officer in possession and the de facto officer, as Mr.

Ekern claims to be and is in this case, that the duty or the obligation of moving really devolves upon you, who are not in possession, to force the issue in order to get a square ruling of the court on the proposition of the rightful title to the office?

A. I have left that entirely in the hands of my attorneys.

Q. And because you have not done so is because of the fact that your attorneys have not yet advised you, or have not advised you on that point, have not advised you to move?

A. Have not advised me to move as yet. That is all.

Q. I will ask this further: If they should advise you to begin an action in quo warranto against Mr. Ekern you intend to follow their advice. I presume, do you not?

A. I cannot say that I have made any determination on that as yet, but probably—

Q. What is your present feeling and opinion, assuming they would advise you that way?

A. That I would follow the advice of my attorney.

The Chairman: Counsel wish to question?

Mr. Aylward: If the Chairman please.

Examined by Mr. Aylward:

Q. You say you have been in this office for something over five years, Mr. Anderson?

A. Six years.

Q. Serving under Mr. Ekern most of that time?

A. No, under Mr. Beedle most of the time.

Q. During Mr. Beedle's term Mr. Ekern was deputy?

A. During the last two years of Beedle's term.

Q. And then you served two years under Ekern?

A. Yes.

Q. So that you and he have been in the same office for four years together?

A. Yes.

Q. And your relations have been very friendly, have they not?

A. Friendly.

Q. Outside of your office work, your relations outside, your social relations, were friendly?

A. Friendly.

Q. You are a member of the same society, Norwegian soci-

ety, were you not, and other societies?

A. Yes, sir.

Q. And when Mr. Ekern was serving on this legislative committee before you were actuary, you were employed by his committee, were you not?

A. In 1906?

Q. Yes.

A. Yes, sir.

Q. By reason of that long service with him and that long service under him, and in the performance of your duties, you learned, while you were away, that he had been removed from office, an attempt had been made to remove him from office, did you not?

A. Yes, sir.

Q. How did you first learn that?

(Witness refers to memorandum book).

A. Yes, sir.

Q. How did you first learn that?

(Witness refers to memorandum book).

A. On January 7th, in the afternoon, I wired Mr. Ekern from Rock Island to send Mr. H. S. Stafford who was then working in our office, send him to Rock Island to assist us in that investigation. On the morning of the 8th, Wednesday, as I came down to the breakfast table, he was there, with my other assistant, Mr. Hipp, and they told me that the Governor and Mr. Ekern had "had a tilt last night," as they put it, which came as a surprise to me.

Q. Did you from that time, and until your return to the city, receive any message of any kind from the Governor?

A. No, sir.

Q. From anyone in his office?

A. No, sir.

Q. From any employee of the state?

A. No, sir.

Q. Did you from anyone else?

A. In the afternoon—

Q. I ask you if you did from anyone else?

A. Yes.

Q. Who was it?

A. From my wife.

Q. Anyone else?

A. No, sir.

Q. You returned to the city, then, knowing that the Governor had attempted to dispossess or remove Mr. Ekern, and you returned on that day, Mr. Anderson?

A. On a late train, January 10th, Friday evening.

Q. Your work was not finished at Rock Island?

A. No.

Q. And on Saturday you had your first meeting with the Governor?

A. Yes, sir.

Q. At what time?

A. At 2:30 in the afternoon.

Q. You first met with Mr. Haugen, did you?

A. Yes, sir.

Q. Had you gone to the office of the department before you met Mr. Haugen?

A. No, sir.

Q. How did you know Mr. Haugen wanted to see you?

A. Because he had told my wife.

Q. Instead, then, of going to the department of insurance commissioner, where your chief you knew was still working, this old friend of yours and under whom you had worked for many years, you go to see Haugen, do you?

A. That is what I did.

Q. And immediately started negotiations or—

A. (interrupting) No, sir.

Q. (continuing)—or conversations and consultation by which you might dispossess your chief?

A. No, I don't grant that, Mr. Aylward.

Q. Well, let's see: The conversation was with respect to your being appointed in his place, was it not?

A. To fill the vacancy, yes.

Q. The vacancy which the Governor had sought to create?

A. Which I understood existed.

Q. You had not gone to see Mr. Ekern, had you?

A. No, stated I had not.

Q. Had not talked with him about it?

A. No, sir.

Q. Had not telephoned your regrets?

A. No, sir.

Q. Had not mentioned the matter directly or indirectly to him?

A. No, sir.

Q. You didn't even know on what ground the Governor had sought to remove him, did you?

A. Except from the newspaper reports.

Q. And you just said you don't believe what the newspapers say.

A. I said I don't believe everything the newspapers say.

Q. After consulting with Haugen—Was Myrland there at that time?

A. He was in the room part of the time.

Q. Who is Myrland?

A. Secretary of the Tax Commission.

Q. Of what?

A. Of the Tax Commission.

Q. But Haugen, the Tax Commissioner, and the secretary of the Tax Commission, were now planning with you to see if they could get you into the office of Ekern?

A. They were advising me to accept the appointment.

Q. Were they a campaign committee?

A. No, sir.

Q. You did not appoint them as a campaign committee?

A. No, sir.

Q. You did not file any such papers?

A. No, sir.

Q. Did not file any financial statement?

A. No, sir.

Senator Browne: Mr. Chairman, I submit, in all fairness, whether those questions are asked in good faith, whether they are not frivolous, and this witness has gone over that matter very carefully, and I think to ask these questions and draw conclusions in your questions that you are asking is wholly unwarranted, and would not be considered for a moment in any court of law, and I think the same rule ought to prevail here. I make the objection.

Mr. Aylward: Since the Senator asks the question I call his attention to the statute, Section 1087—34. Speaking with respect to the tax commissioner, Senator, "Each such commissioner shall devote his entire time to the duties of the office"—

Senator Browne: Mr. Chairman.

The Chairman: The Senator from the 21st.

Senator Browne: I rise to a point of order. We are not trying, or this issue doesn't involve, the duties of the tax commissioners or any other commissioners, and it looks to me as if this was simply an attempt to drag in everybody they can in this argument. I have raised the objection, and I insist upon moving upon my objection.

Mr. Aylward: May I finish the statement and then ask the ruling?

The Chairman: Would the Senator object if counsel finished the statement?

Senator Browne: I object to reading the duties of the tax commissioner in the statute.

The Chairman: May I suggest to the Senator this may help the Chair in arriving at a right decision in this matter, because I will call the Senator's attention to the fact that a commissioner is involved in this case.

Senator Browne: But, Mr. Chairman: Anything in the statutes there in regard to the duties of the tax commissioner don't determine the rules of evidence. The rules of evidence are these, that a witness cannot state a conclusion. This witness cannot state a conclusion. He can state the facts. He has stated the facts exactly, and his conversation with the tax commissioner, Mr. Haugen, and Mr. Myrland, verbatim. Now, counsel seeks to draw conclusions and asks this witness to state those conclusions, which are wholly incompetent, irrelevant and immaterial and would not be considered a half a moment in any court of law that we have.

The Chairman: You may make your statement, counsel.

Mr. Aylward: I simply, answering the suggestion of Senator Browne, would like to say this, that it is exactly the same question involved as involved in the main trial, as to whether negotiations of this kind constitute a political party or not, or a political campaign, and the same restriction that I was reading with reference to the tax commissioners: "Each such commissioner shall devote his entire time to the duties of the office and shall not hold any position of trust or profit, engage in any occupation or business interfering with or inconsistent with his duties, or serve on or under any committee of any political party."

Senator Browne: Now, Mr. Chairman, I submit whether that substantiates counsel's theory that he can go into this matter of conclusions with this witness, or whether it answers by objection to this evidence. The evidence shows clearly, of Mr. Anderson, that he went to Mr. Haugen, a man that he had known for years, and a friend of his, and advised with him, talked with him, and asked his advice on certain matters, and talked with him about it. Now, is there anything inconsistent in Mr. Haugen's talking with Mr. Anderson, anything inconsistent with Mr. Haugen performing his duties as tax commissioner, or filing any expense account, or doing anything because someone has talked with him.

Mr. Aylward: May I make a suggestion? I simply suggest this comparison: That it is urged here that Mr. Ekern telephoned Mr. Gifford, Mr. Anderson says that Mr. Haugen telephoned the Governor. It is suggested here that Mr. Ekern talked with Mr. Johnson. Mr. Anderson says that Mr. Haugen talked with respect to his appointment to this office with the Governor. Now, then, I simply say this: The Senator is right, that does not constitute a political campaign and it does not constitute a political committee, and if that is true, then the fact that Mr. Ekern telephoned to Mr. Gifford and the fact that he talked with Mr. Johnson or with others, does not constitute a political committee, and does not make him the manager of a political committee. That is my point. Do you get it?

Senator Browne: I get that point, Mr. Aylward, but it would take a solar microscope to see it.

Mr. Aylward: Let me suggest to the senator, there is no such thing as a solar microscope. It is a telescope you refer to. (Laughter in the galleries).

The Chairman: I will say to the galleries and people present that if this applause does not cease that I will instruct the sergeant to clear the galleries. We must have proper decorum.

Senator Burke: I think the statement of Mr. Aylward here is rather incomplete, in so far as he failed to include the writing of a few letters in conjunction with the other things, the telephone and all that. It might be well if the senate would ask him to fully state his position as a comparison to the conditions Mr. Browne has just explained.

Senator Browne: I would like to have a ruling on my objection here, whether those questions are in order or not.

The Chairman: I hope the Senator does recognize that the Chair is far from being in the legal mind at any time, and the Chair does desire all the light he can get on this point that the Senator has made, and, as soon as proper opportunity is given the Chair, he will try to rule fairly, as he sees the light, but he wants light.

Senator Browne: But, Mr. Chairman, just have the last two or three questions read, and just consider them.

The Chairman: The Chair will proceed as he sees the matter, and the Chair will ask the Senator from the 21st to allow other senators to talk on this point of order if they so wish. I think it is not his desire to close the debate to other senators who wish to discuss it. Counsel started to say something, I believe.

Mr. Aylward: I was going to suggest, in answer to Senator Burke's question, that this political committee of Mr. Anderson, consisting of Mr. Haugen and Mr. Myrland, did appeal to the only authority that had anything to say in the matter, and that was to the Governor.

The Chairman: The Chair will ask counsel to refrain from going into the matter further along the line which he was pursuing.

Mr. Aylward: I will be glad to observe the ruling of the Chair?

Q. After this formal discussion with Haugen and Myrland you then saw the Governor, did you?

A. Which discussion?

Q. The first discussion?

A. The one Saturday afternoon?

Q. Yes.

A. Yes, sir.

Q. What time did you see the Governor?

A. At 2:30 in the afternoon.

Q. And then occurred the conversation you have just related that you had with him?

A. Yes, sir.

Q. How long did that last?

A. Only a few minutes. I don't think over five minutes.

Q. Now, then, after you left the Governor and he practically tendered you this place, where did you go?

A. I went back to the tax commission office.

Q. Went back to the tax commission office for further conference with Haugen and Myrland?

A. Yes.

Q. And had further conference with them?

A. I did.

Q. And discussed the situation with them?

A. Yes, sir.

Q. Took their advice in the matter?

A. Yes, sir.

Q. And counseled with them?

A. Counseled with them, yes, sir.

Q. You never thought for a moment, Mr. Anderson, that by doing that you had constituted them a political committee did you?

A. No.

Q. Following your counsel with Haugen and Myrland where did you go?

A. I went to the insurance department to look over mail that might be there for me.

Q. Well, you went to the insurance department and looked over some letters and wrote some letters?

A. I didn't write any.

Q. Well, now, did you inform the commissioner at all what was going on?

A. I did not.

Q. Had you any excuse, Mr. Anderson, further than you wanted to look over some letters?

A. No, I think not, that I remember.

Q. Did you feel that you were treating your old friend and your superior in a proper way in saying nothing about the negotiations that were going on?

A. As I stated before, my first impulse—

Q. (interrupting) I ask you whether you—

A. (interrupting and continuing)—and intention was to go and lay the whole matter before him.

• Q. You thought that was what you ought to do, didn't you?

A. That was my first feeling, yes, sir. But on thinking it

over and following the advice of my friends I could not see that it would replace Mr. Ekern to the office, and therefore would not help matters.

Q. And therefore you did not mention the matter to him?

A. No, sir, I concluded simply to keep silent.

Q. Did Ekern tell you at that time that he was going to fight that to the end and to the finish?

A. I don't remember that he said anything to that effect. He discussed it.

Q. He did discuss his removal, did he?

A. To some extent, yes.

Q. And you said, did you not, that he discussed it and talked to great length, "profusely," was the term you used?

A. Profusely, yes. He talked about it.

Q. And you listened to him telling you how he was going to fight it and what his evidence was, and what the facts were?

A. No, sir, he did not.

Q. Well, what was his profuse talk about?

A. He was telling about the political effect of it, as I remember it.

Q. Anything else?

A. I think he said something to this effect, that "I have got the law on him," if I remember right.

Q. Discussed the law?

A. But as to the exact points of law he said nothing.

Q. Anything else with reference to that matter he discussed with you?

A. Not that I remember.

Q. And you sat there and let him talk his side of the case and talk the law of the case, and talk the facts of the case, and you did not tell him you were negotiating with the Governor to get his place?

A. I did not negotiate with the Governor.

Q. I didn't ask you that. I asked you if you sat there with your old friend and heard him discuss the facts of the case?

A. I did.

Q. And discuss the law of the case, and tell you that he was going to fight it to a finish, and you never said a word about your negotiations with the Governor?

A. He didn't say that he was going to fight—

Q. (interrupting) I ask you if, under those circumstances, you said one word about your negotiations with the Governor?

A. I take exception to your form of the question.

Q. What is the exception?

A. That he had the law of the case.

Q. Told you that he had the law of the case?

A. Yes, that is about—

Q. And discussed the facts?

A. Yes, sir.

Q. Discussed them profusely?

A. Yes.

Q. And you sat there and listened when he told you he was going to fight it to a finish, and never told him that you were negotiating with Haugen and with Myrland and with the Governor to get him out of there, did you?

A. I said nothing about it.

Q. You said nothing about it?

A. No, sir.

Q. Were you sick the next day?

A. No, sir.

Q. Were you at the office the next day?

A. No, sir, the next day was Sunday.

Q. You had often visited Ekern on Sunday and he had visited you?

A. Not at the house, no.

Q. But at the office and other places?

A. Yes.

Q. You made no effort to find him on Sunday after you had talked the matter over, and tell him about your position in the matter, did you?

A. No, sir.

Q. You were down town Monday?

A. At noon, yes, sir.

Q. Saw Haugen and Myrland again Monday?

A. No, sir.

Q. Saw the Governor Monday?

A. No, sir.

Q. You were down town doing business on Monday?

A. Just to tend to some business at the bank.

Q. But you did not go to the insurance commissioner's department?

A. No, sir.

Q. And did not speak to Ekern that day?

A. No, sir. Well—

Q. You were down there—

A. (interrupting) Pardon me. I may have talked to him over the phone if he called me up. I have a faint recollection.

Q. You did talk to him over the phone, as a matter of fact?

A. I am not sure whether I did or not.

Q. If you did, you said nothing about what was going on in secret?

A. I did not, said nothing about it.

Q. The next day you were down town?

A. Yes, sir.

Q. The next day you conferred with Haugen and with Myrland?

A. Yes, I did talk with them.

Q. Now up to the time that you had discussed the matter of your promotion and your being appointed to this high office, for the third time, with these gentlemen, up to that time did you consider they constituted a political committee?

A. No, sir.

Q. Did you consider your work to get you into this office constituted a political campaign?

A. No, sir.

Q. You saw the Governor on that day?

A. 5:30, yes.

Q. And you were at the insurance commissioner's office that day?

A. I was.

Q. And you talked with him about this matter that day?

A. Not very much. He discussed it.

Q. Not very much, but you talked with him about it?

A. He talked about it.

Q. And you listened again?

A. Yes, sir, I did.

Q. Did you tell him now that you had had the offer and had practically the offer of that office from the Governor?

A. I did not.

Q. Never said a word about it?

A. No, sir.

Q. You told Mr. Beedle, didn't you, subsequently, that the

reason you did not say anything about it was because they told you not to mention it to Ekern?

A. To the effect of it, yes, sir.

Q. Do you know of anything, Mr. Anderson, that would more tend to disrupt a department and to demoralize the business than to have the chief clerk in the office conniving with Myrland and with Haugen and with others to suspend the chief and the head of that department?

Senator Browne: Mr. Chairman, I object to that question as being irrelevant, incompetent and immaterial, and inquisitive.

The Chairman: Please read the question.

(Question read).

Mr. Aylward: I would say, if the Chairman please, in defense of my question, that the answer to that will be very material with respect to whether the appointment is a proper appointment or not, pretended appointment.

Senator Browne: Mr. Chairman, that question pre-supposes that Mr. Anderson was conniving. Now, do any facts show that Mr. Anderson was conniving with Mr. Haugen and Mr. Myrland? Simply going and talking to them, and he has related the conversation.

Mr. Aylward: If the senator has any word to substitute I will be glad to accept the substitute, if you can find a word or term.

The Chairman: The counsel will substitute a word.

Mr. Aylward: Can you help me out, Senator?

Senator Browne: I think you do pretty well.

Mr. Aylward: Well, how would "jockeying" do?

The Chairman: I would suggest to the counsel the word "consult".

Mr. Aylward: "Secretly consulting." I will accept the amendment.

A. It strikes me that your question calls for an opinion, not for a fact, and, Mr. Chairman, am I expected to express opinions? I am ready and willing to give facts.

The Chairman: Well, you have opinions.

Mr. Anderson: Yes.

The Chairman: And if there is no real personal matter involved you do not object to expressing your opinion to the senate?

Mr. Anderson: If I can use my own words I don't object.

The Chairman: You may use your own words.

A. I will answer by saying that if it had been true that I was conniving—

Mr. Aylward: Secretly conferring.

A. (continued) In the first place I am not or was not the chief clerk. If a person in that position did secretly connive to remove the head of the office it would certainly be demoralizing, that is my opinion.

Mr. Aylward:

Q. You stated that the Governor said to you he wanted the office kept out of politics as well and as fully as the banking department was kept out of political activity. Is that true?

A. Yes, sir.

Q. Do you know who A. R. Emerson is?

A. Yes, sir.

Q. Who is he?

A. He is one of the examiners of the banking department I understand.

Q. And who is Thomas Herrid?

A. He also holds a position in the banking department.

Q. C. L. Brown?

A. He is also in the same department; used to be.

Q. H. C. Pond, Janesville?

A. Yes. I know him. He is in the department, I think.

Q. And W. H. Richards?

A. I don't know him.

Q. When the Governor made that statement to you and you agreed to keep out of politics as well as the banking department had, did you know that the Governor had then filed with the secretary of state the names and the amounts contributed by different persons to his personal private campaign in violation of the statutes of the state of Wisconsin?

A. I didn't know any thing about that.

Q. Well, I call your attention to a copy of the Governor's report on file with the secretary of state—

Senator Browne: (interrupting) Mr. President, I object to that as wholly incompetent, irrelevant and immaterial, having no bearing upon this point. If the Governor, or if the democratic committee of this state, or any other committee of

the state violated the Corrupt Practices law, they can be prosecuted, but in this proceedings we can only try the issues before this committee, and that was one of the reasons why I thought the issues were altogether too broad, but, as broad as they are, they do not warrant anything like the question that was asked here, this last question that was asked regarding the campaign expense account of any candidate, Governor or anyone else.

Mr. Aylward: If the Chairman please, I would not have raised the question but it seems that the Governor and Mr. Anderson both—this morning and in the testimony read yesterday—they both raised that as the standard by which this department should be measured, and Mr. Anderson has just testified that he agreed that if appointed he would conduct this department as much out of politics as the banking department was, and I simply want to call your attention to the statute with relation to that in connection with my question, if I may. The section is 990, sub-section 28:

“No officer, agent, clerk, or employee under the government of the state shall, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, or political service, whether voluntary or involuntary, for any political purposes whatever, from any officer, agent, clerk, or employee of the state.”

Now, my purpose, senator, was to show that all these men in the banking department had contributed, and the Governor had received the amounts which he certifies to from those several officials, including also his own private secretary, the warden of the state's prison, Oscar M. Fritz, and others.

Senator Browne: Mr. Chairman, I do not wish to enter into a discussion with counsel upon all of these points, and have him read the Revised Statutes of the state of Wisconsin into this record at 25 cents a folio, taking the time of this honorable body, but it seems to me very clear that this question is absolutely out of order and incompetent, irrelevant and immaterial to this inquiry here. I do not see how it can be material from any point of view. Supposing anyone in this state has violated the Corrupt Practices laws, does it effect the merits of this case? If it don't then, it is improper to bring it up here and take up the time of this senate in bring-

ing such irrelevant matters here. I think it is absolutely incompetent and out of place.

The Chairman: I think it is the desire of the committee and the senate to have all the side lights possible on this question. I will call the senator's attention to the fact that the removal of the insurance commissioner was made on the basis of political activity. I think that it is the desire of the senate to have this investigation broad enough so that if the facts should be disclosed that commissioners are politically active in other departments, that it may be that the senate may later wish to take action along other lines, affecting other departments, and I believe that any disclosure that may be made here involving other departments, the heads of which may be active politically, will be welcomed by this committee and by the senate. I do not think that the question asked is an improper one or one that the senate does not, or this committee does not care to hear, although it may not have a direct bearing on this particular case. The Chair will rule that the question is a proper one, and the witness may answer it.

(Question read as follows:

Q. "Well, I will call your attention to a copy of the Governor's report on file with the secretary of state"—)

Mr. Aylward:

Q. (continued)—in which he certifies that he received from A. R. Emerson, whom you say is a bank examiner, \$25; from Thomas Harrid, bank examiner, \$25; C. L. Brown, \$25; A. C. Pond, bank examiner, \$25; W. H. Richards, \$50; Daniel Woodard, \$100; Oscar M. Fritz, Milwaukee, \$250; Harry Curran Wilbur, \$12.60; James Kernan, \$100; W. R. McCall, \$100; Ed. McKennow, Superior, \$100; John A. Scholts—he is a game warden, isn't he?

A. I don't know him.

Q. (continued) Scholts, \$25, and others. When the Governor asked you, if you were appointed, to keep the insurance department up to that high standard, out of politics, that the banking department was in, he didn't tell you anything about these subscriptions, did he?

A. No, sir.

Q. Now, then, after this final meeting or talk the Governor

said he would send your appointment in next morning, and, following his statement that he would send your appointment in the next morning, you then went back to the insurance department?

A. I did.

Q. And gathered up your papers and left town?

A. Yes, sir.

Q. And you did not say anything then to Ekern?

A. No, sir, he was not in the office then.

Q. Is that the reason why?

A. No, sir.

Q. Now, you spoke, Mr. Anderson, with respect to your qualifying and to a meeting in the Governor's office with respect to the plan of campaign to get possession. Who was present?

A. The Governor, Senator Wilcox I believe was there part of the time, and my attorney, Mr. Butler.

Q. Was Mr. Essmann there?

A. He may have been there part of the time.

Q. And you were there?

A. I was there, certainly.

Q. Now, the plan of procedure was entirely mapped out at that meeting, was it not?

A. Practically was.

Q. You were to file your bond, that was agreed on?

A. Yes.

Q. You were to file your oath, that was agreed on?

A. Yes.

Q. You were to go down and demand possession?

A. Yes, sir.

Q. And in case that possession was refused then it was debated whether you would use the militia or the police force, was it not?

A. It was not debated, no.

Q. Well, it was discussed?

A. It was discussed, yes.

Q. And it was agreed whatever was to be done might be done by the police force rather than the militia?

A. Yes, with as little show of force as possible.

Q. You were a party to all that conversation, were you not?

A. I was present, yes, sir.

Q. And you started out then to fulfill the several steps agreed on?

A. Yes.

Q. Including the use of force, if necessary?

A. As a last resort.

Q. And you were present when whatever force was used was used?

A. I was in the insurance department, yes, sir.

Q. Now, you were questioned by a couple of the senators, Mr. Anderson, with respect to your legal rights. You understood, and your counsel so stated to the court, that if you preferred you had a right to resort to quo warranto to try the title to that office, did you not?

A. Well, I left that with my attorney entirely.

Q. Well, I say you heard your attorney so state to the court, did you not?

A. I did not hear that, because I was not present in court.

Q. When the argument was made?

A. No, I was not.

Q. Well, you know, as a matter of fact, that you had a right to a peaceful suit in court to try the title to the office, didn't you?

A. I simply took it for granted they would take whatever steps were necessary, and advise me and protect my legal rights, if I had any.

Q. Did you think you had no rights except by battering down the door? Did you so understand, or—

A. No.

Q. You understood you had a peaceful remedy in a court of law if you wanted to resort to it?

A. That is what I tried to follow out, a peaceful remedy.

Q. Why did you resort to assault and battery, and the breaking of doors and panes of glass, rather than to go into court and try the title?

A. I take exception to the question.

Q. That is not quite right. Why were you a party to the scheme of taking forceful possession and using all the force necessary to take possession rather than to go into court?

A. Because I had prima facie evidence I had title to the office.

Q. That is the ground on which you put it?

A. Yes.

Q. And you were advised by your counsel in that way?

A. Yes.

Q. Now, you were questioned, Mr. Anderson with respect to what you planned to do. The matter before Judge Stevens now is whether he will issue an order restraining you and the Governor and Essmann from physical attack upon that office. That is all there is to it, isn't it?

A. I can't say, because I don't understand the legal technicalities about it.

Q. You have read the restraining order?

A. Yes, sir.

Q. Simply to restrain you from physical acts of violence until the matter can be heard in court?

A. Surely.

Q. Well, now, one of the senators asked you if that restraining order is refused, or if the judge says he will not restrain you from physical acts, acts of violence, do you intend to go ahead again with force and arms and take forcible possession of that office?

A. I will have to discuss that with my attorney before I can say what I will do.

Q. You won't say to the senators you won't do it and make a second attack if your attorneys so advise you?

A. I will say I will try to use whatever legal, peaceful means will be necessary.

Q. If your attorney advises you to lead a second attack will you make it? That is, if you can get Mr. Essmann to lead the—

A. That is up to Mr. Essmann, to provide quarters.

Mr. Aylward: That is all.

Senator Culbertson: I have a motion: That this committee of the whole, now having received all information apparently available for the reasons of the dismissal of Herman L. Ekern from the office of commissioner of insurance, the reason for which senate resolution No. 8 was adopted, be and is hereby dissolved.

Senator Randolph: Mr. Chairman.

The Chairman: (to Senator Culbertson) The senator will present the motion.

(Senator Culbertson's motion was thereupon presented and read by the clerk as follows:

"That this committee of the whole, now having received all information apparently available for the reasons of the dismissal of Herman L. Ekern from the office of commissioner of insurance, the reason for which senate resolution No. 8 was adopted, be and is hereby dissolved.")

Senator Bosshard: Mr. President, I rise to a point of order. I think the motion clearly on its face is out of order. The committee of the whole cannot dissolve as provided for by the terms of the motion, but must report to the senate. It is elementary that on the face of that motion it calls for doing something that the committee of the whole has no power to do.

Senator Culbertson: Question.

The Chairman: The Chair thinks that—well, the Chair will rule the motion out of order.

Senator Randolph: Mr. Chairman, I ask that Mr. Nils P. Haugen take the stand.

The Chairman: Nils P. Haugen is called.

NILS P. HAUGEN, called as a witness, and duly sworn.

Senator Randolph: Mr. Chairman, I move you that the committee of the whole do now rise and report.

The motion prevailed.

Lieutenant Governor Morris in the Chair.

Senator Scott: Mr. President, I have the honor to report that the committee is making progress.

Adjourned until February 6, 1913, at 2 o'clock P. M.

Senate Chamber, Madison, Wisconsin.

February 6, 1913, two o'clock P. M.

The Senate met.

The President in the chair.

Upon motion of Senator Randolph, the senate resolved itself into a committee of the whole.

Senator Scott in the chair.

Senator Culbertson: Mr. Chairman, I wish to offer a resolution at this time:

Moved, that inasmuch as the hearings as contemplated by Resolution No. 8, S., is apparently completed, be it hereby

Resolved, That further hearings by the committee of the whole be and are hereby dispensed with and that the final report be made to the senate.

The Chairman: Gentlemen of the committee, you have heard the motion of the senator from the 14th. Are you ready for the question?

Senator Boschard: I rise to a point of order.

The Chairman: State your point.

Senator Boschard: I submit that the motion is out of order, in contemplation of the provisions of Resolution No. 8, S., under which we are proceeding. Now, I do not want to appear to be obstructing the proposition of terminating this committee meeting as soon as possible, but I think the motion is clearly out of order. If the senator from the 14th is really desirous of terminating the hearing as soon as possible, I think just as much can be accomplished by a consent on his part to the withdrawal of the motion. I do not think there is more than one witness further that any of the members here care to examine, and that examination I assume will be exceedingly short. The attorneys for Mr. Ekern, as early as yesterday afternoon, announced that as far as they were concerned, they had no further witnesses to examine or whom they desired to call, and what other witnesses have been on the stand since have been witnesses who have been called at the request of some members of the committee of the whole of the senate, but, at any rate, I contend that the motion under the previous ruling of the Chair is clearly out of order.

The Chairman: The Chair ruled on this motion while the committee was in session, before adjournment.

Senator Culbertson: I would like to know the point of order that the ruling is given on.

The Chairman: It is not the disposition of the Chair to go contrary to the wishes of this committee. If it is the sense of the committee that we proceed no further, why, the Chair does not like to assume a dictatorial position at all.

Senator H. C. Martin: Mr. President, inasmuch as we are right in the midst of an examination of a witness and the witness has been sworn, and we are not quite through with this

witness' testimony, it might be proper, it seems to me, for the Chair to rule that at this time the motion is out of order, but this committee can settle it. Whether it is in order or out of order, it should not be passed until this witness at least is disposed of. I am ready to vote. Might as well vote on the resolution and relieve the Chairman from the duty of saying whether it is in order or out of order. The committee can settle that.

Senator Culbertson: Mr. President, may I be permitted to speak? The witness has not been approached with any questions whatever. He was simply, I think, placed under oath, but, no questions being asked, I expected that the resolution was in order, so far as that was concerned.

The Chairman: I think the Chair at this time will let the question go to the committee. Gentlemen, you have heard the motion? Are you ready for the question?

(The question was called for).

Senator Bosshard: Mr. President, I desire to have the clerk read the motion.

The Chief Clerk: (Reading) "Moved, that inasmuch as the hearings as contemplated by senate resolution No. 8, S., is apparently completed, be it hereby

"Resolved, that further hearings by the committee of the whole be and are hereby dispensed with and that final report be made to the senate."

Senator H. C. Martin: Mr. President, I would just like to say that it is not apparently completed when a witness has been sworn and we are ready to hear his evidence. I am ready to vote on it.

Senator Culbertson: I am willing to grant an amendment, that this shall apply immediately after the testimony is taken from the witness who is now under oath.

Senator Randolph: Mr. President, I do not see why there is any necessity for the motion. The committee is willing. This is the last witness to be sworn, and counsel for Mr. Ekern don't want any more witnesses sworn. What is the reason of the motion then? Withdraw the motion and we shall proceed with this witness.

Senator H. C. Martin: I understand the gentleman from the

14th does withdraw this motion until we get through with this witness.

Senator Culbertson: I will grant permission that this be dispensed with until the present witness sworn be relieved by the chair.

NILS P. HAUGEN, having been heretofore called as a witness and sworn, on oath testified as follows:

Examined by Senator Randolph:

Q. Mr. Haugen, you are at present a member of the Tax Commission, are you not?

A. I am.

Q. You were a member of the Tax Commission on January 11th, were you not?

A. Yes, sir.

Q. On that date, or prior to that date, did you have a conference with the Governor over the alleged appointment of Mr. Anderson as insurance commissioner of Wisconsin? If so, state what conversation took place?

A. I am not certain as to the date, senator, but I will say, in order to connect it up, that on Saturday before the inauguration, and before the convening of the legislature, the Governor sent for others and myself to come to his office, and he read his message to us, or most of it. We were there all Saturday afternoon and he did not complete it and asked us to return on Sunday. He wanted to read the rest of it, and not all who were there on Saturday, but three or four of us, returned on Sunday, and he finished reading the message. There was more or less discussion of it, so it prolonged the session, and after reading his message, completing it, he dismissed the parties who were there except Mr. Lyons and myself, and said he wanted to talk with us. After the others had gone out of the room he said that he had about determined—I cannot use his language—to discharge or to dismiss Mr. Ekern from the office of insurance commissioner, and gave his reasons for it. Then he asked me, he said. “You know Mr. Anderson?” I said I did, very well. And he wanted to know what I thought of the appointment of Mr. Anderson as a successor to Mr. Ekern, and I told him that from my knowledge of Mr. Anderson I could not see where he could make a better selection in

the state, that Mr. Anderson was familiar with the work and was an absolutely reliable man and a man who would pay strict attention to the duties of the office. That is in general effect what was said on the subject. The Governor said: "He used to be in your office?" referred to that. I said: "Yes, he was in the Tax Commission for several years, as statistician before he became actuary in the insurance commission," and that I had the very highest opinion of him as to his qualifications and as to his absolute integrity.

Q. Mr. McGovern did not say anything about his nationality to you, did he?

A. Yes, he did.

Q. He did?

A. Yes.

Q. What did he say?

A. He wanted to know how Anderson stood with the Norwegians.

Q. Mr. Haugen, when you—

A. Well—now—all right, go ahead.

Q. Mr. Haugen, when did your former term as Tax Commissioner expire?

A. It has not expired yet.

Q. You were nominated for tax commissioner about January the 20th, were you not, by the Governor?

A. I forget the date.

Q. You were confirmed on January 26th by the senate?

A. I was confirmed. I didn't keep track of the date. I want to say this, because there is little insinuation in the question, that I never talked about my own appointment with the Governor at any time before I was appointed.

Examined by Senator Bosshard:

Q. The talk that you had, Mr. Haugen, with the Governor with reference to this controversy was on the Saturday before inauguration?

A. No, I think—no, not on Saturday, on Sunday. We met on Saturday and adjourned over until Sunday, and it was after the Governor had finished the reading of the message.

Q. That would be Sunday, the 5th of January?

A. Well, it was the Sunday before the legislature convened, before the inauguration.

Q. And your testimony was to the effect that the Governor at that time told you in substance that he intended to remove Mr. Ekern?

A. Yes.

Q. And then discussed with you Mr. Anderson's qualifications?

A. Yes, sir.

Examined by Senator Husting: ..

Q. Mr. Haugen, did the Governor intimate to you that it might be well for you to speak to Mr. Anderson about this matter?

A. Not at that time.

Q. Well, did he later?

A. I don't know that I could say "yes" to that question. On Saturday, after Mr. Anderson returned home—I knew that he had come home—I was called up by phone from the Governor's office—it was not the Governor's voice—and I was asked if Mr. Anderson was at home and I think I said I understood he was, and they asked me to tell him to come down to the office.

Q. What is that?

A. They asked me to invite Anderson to come to the Governor's office.

Q. Come to the Governor's office?

A. Yes.

Q. Whose voice was it you heard over the phone?

A. I presume Mr. Wilbur's, but I would not be certain about that, senator.

Q. Was any intimation given to you that you should have any talk with Mr. Anderson before?

A. I don't think so, from the Governor's office.

Q. Well, isn't it a fact you called Mr. Anderson up to your office?

A. Well, he came to my office and in talking with him over the phone it was probably understood, but he came to the office. I would not be sure what was said.

Q. You called up Mrs. Anderson?

A. Mrs. Anderson came to the phone.

Q. Did you tell Mrs. Anderson to tell Mr. Anderson to come to the phone?

A. No, I think he came to the phone before I got through with the conversation. I think so. And if he did not know I told Mrs. Anderson to come to the Capitol.

Q. And did you tell her to tell Mr. Anderson to come to your office?

A. I may have done that, in view of the fact that I was conferring with Mrs. Anderson. If I was talking with Mrs. Anderson I probably did.

Q. As a matter of fact, Mr. Anderson did come to your office?

A. Yes, he did.

Q. Before he went to see the Governor?

A. Yes.

Q. What conversation did you have with Mr. Anderson there?

A. Well, I told Mr. Anderson the Governor wanted to see him.

Q. Well, is that all you told him?

A. Why, no, I suppose not, but just what the conversation was I couldn't say. We talked the matter over in a general way. It was said to Mr. Anderson that as far as Mr. Ekern was concerned, as far as he could see, he was removed anyway, and his declining to take the position would not help Mr. Ekern.

Q. And did you seek to find out from Mr. Anderson whether or not he would accept if the appointment were tendered him?

A. I don't think so.

Q. Did you call up the Governor's office then after Mr. Anderson left and inform the Governor Mr. Anderson would call on him?

A. No. I called up the Governor's office—now, I think this was the way it occurred: I called up the Governor's office. This was one Saturday forenoon and the appointment was made with Anderson for Saturday afternoon. It was a Saturday when the Lunch Club met and the Governor was to speak at the Lunch Club, and this was almost twelve o'clock, so he made an appointment with Mr. Anderson for the afternoon.

Q. Did Mr. Anderson return to your office after his conference with the Governor?

A. He said to-day he did. I don't know whether he did or not. I don't recollect that he did. I think he did.

Q. Have you any recollection of your conversation with Mr. Anderson after he returned from the Governor's office?

A. Mr. Anderson said, when he returned from the Governor's office, that the Governor simply told him he had only one condition to place upon his appointment; that was that he attend strictly to business and keep the office out of politics.

Q. Did Mr. Anderson say under those conditions he would accept?

A. Mr. Anderson said he answered: "I would accept the position under no other conditions."

Q. No other conditions?

A. No other conditions. Or: "That is the only condition under which I would accept it."

Q. When you had a talk with the Governor that he felt obliged to dismiss Mr. Ekern from the office, did he give any reason for it?

A. Yes.

Q. What reason did he give?

A. His activity with reference to the election of the speaker.

Q. Did he make any mention of Mr. Ekern hiring any rooms for headquarters?

A. I think he did.

Q. Well, isn't it a fact that Mr. Ekern did not hire those rooms until Monday?

A. I don't know anything about that.

Q. Did he give you any specific instances of activity on the part of Mr. Ekern in politics?

A. Specific instances? I would say "No", I don't recall any specific instances.

Q. Well, did he in any way tell you why he felt it necessary for him to dismiss Mr. Ekern?

A. Yes. His reason was that Mr. Ekern was endeavoring to organize the legislature against him, in opposition to the Governor, and that he thought that would be very injurious to measures that he advocated and that he desired to have passed.

Q. Did he give you any instance of what Mr. Ekern had done in the way of organizing the legislature?

A. Well, specific instances, no, I think not, but he did say that he had been inviting members—he was informed that he

had been inviting members into his office and lining them up against him.

Q. He had already decided, then, to dismiss Mr. Ekern from his office?

A. Well, I would say that he was inclined that way at least.

Examined by Senator Browne:

Q. I want to ask a few questions, Mr. Haugen, in regard to dates. Was this question that you had with the Governor the question of the removal of Ekern, before this hearing of Ekern in the Governor's office?

A. Yes.

Q. Before that?

A. Yes.

Q. Before the legislature convened?

A. Yes, sir.

Q. The legislature convened on Wednesday?

A. Yes. I have had a little question in my mind whether it was on Sunday or Monday that this occurred, but I am satisfied that it was on Sunday.

Q. It was on the Sunday before—

A. (interrupting) Yes.

Q. (continued)—the legislature convened?

A. Yes.

Q. Are you positive of that?

A. It was either on Sunday or Monday. I am positive of that. I am pretty sure it was on Sunday because it was immediately after he had completed reading the message to us.

Examined by Senator Skogmo:

Q. Mr. Haugen, did the Governor in your conversation on Sunday say to you that he was about, or that he was going to remove Mr. Ekern?

A. I think he mentioned the fact that he was going to give him a hearing.

Q. That he was going to give him a hearing?

A. Give him a hearing. Give him a chance to clear himself.

Q. Did he say that he was going to give him a hearing in that conversation?

A. I think so.

Q. You would not be sure of that?

A. No, I would not.

Q. Do you recall whether or not the Governor at that time and in that interview with you on Sunday said right out that he intended to remove Mr. Ekern?

A. Oh, I don't know as I should put it that strongly. I would say this, that the Governor did not consult the parties present as to the removal of Mr. Ekern. What he consulted me about was the qualifications and what I thought of Mr. Anderson.

Q. But he did leave with you the impression that he would ultimately discharge Mr. Ekern from office, remove him?

A. I would say this, that these impressions, it is a little difficult—I would say this, that he presented very deeply the activity that he thought Mr. Ekern had been guilty of.

Examined by Senator Linley:

Mr. Haugen, at the time you had this talk with the Governor in which he intimated that he might remove Mr. Ekern, were Mr. Anderson's qualifications talked over at that time?

A. Yes, sir.

Q. You were asked about it at that time?

A. Yes, sir.

Q. Your recollection is—

A. (interrupting) Let me say to you that the removal of Mr. Ekern was merely a preliminary statement he made before he brought up the question of Mr. Anderson's qualifications.

Q. Both things were talked about at the same time, they both occurred at the same time?

A. Well, he asked my opinion as to Mr. Anderson. He did not ask my opinion as to the other.

Q. But he intimated that he was going to remove Ekern and already had that in mind?

A. Yes, that he had it in mind.

Q. And asked you about the qualifications of Mr. Anderson?

A. Yes, sir.

Q. Now, how long after that was it that you had any talk with Mr. Anderson about the subject?

A. Saturday forenoon.

Q. How?

A. Saturday forenoon. The Saturday forenoon after the legislature convened.

Q. Do you know of any political activity of Mr. Ekern yourself?

A. No, sir.

Q. In the speakership matter?

A. No, I don't, except newspaper reports. That is, newspaper reports—I should explain that, probably. It was remarked in the office that when a few men were together conferring about politics Mr. Ekern was generally one of the number, and he was down at the—reported in the papers anyway to have been down at the National Convention, throughout the convention, or a large part of it.

Q. I mean about the speakership?

A. No, I know of nothing, no.

Q. Nothing in the papers at that time?

A. No, no. You put it in a general way and I answered your question in that sense.

Senator Linley: That is all.

Senator Kileen: Before we close hearing I wanted to ask Mr. Ekern a question. He promised to bring in the amount of expense of L. L. Johnson, and I notice that the telegram he spoke of in his testimony is not in the record, so I would like to have both of those things. He promised yesterday to bring in the amount of the moneys drawn by Mr. Johnson as examiner (to Mr. Ekern) in your office, and you also stated that the telegram that passed between yourself and Mr. Anderson is in the record. I am informed it is not in the record.

Mr. Aylward: Senator, it is in the record with the order of removal. That was offered the first day.

Mr. Olbrich: Incorporated in the order of the suspension of Anderson.

Senator Kileen: I would like to have the original telegram put in the record, and like to submit it to Mr. Ekern and ask him if it is the telegram.

Chief Clerk: The order of suspension contains what is the substance of the telegram.

Senator Kileen: I would like to have the telegram itself.

Mr. Olbrich: That question was not up.

Mr. L. A. Anderson: I have a copy here, of the three telegrams.

(Hands paper to Mr. Ekern).

Mr. Ekern: If you have a copy here I will look at it. (After examining the said paper): Mr. Chairman, my telegram to Mr. Anderson I think is copied in the letter of removal. Mr. Anderson's verbatim telegram, he says he has a copy here, which I take it is correct, as far as my recollection goes. Mr. Anderson can say whether it is or not.

Mr. Anderson: Yes.

Senator Kileen: I will ask it to be read into the record, both telegrams and the reply. Was there a reply?

Mr. Ekern: This is Mr. Anderson's reply. My telegram I quoted in the letter of removal so that is already referred to. This telegram was received—shall I read it?

Senator Kileen: Read it into the record.

Mr. Ekern: (Reading)

Sioux City, Jan. 15, 1913.

"Hon. H. L. Ekern,
Madison, Wis.

"If you have been legally removed I shall accept if legally appointed. Have not sought appointment, nor shall I make any move until fully satisfied of legality. If it must be made I trust you would sooner see me appointed than a stranger. Hope you have no objection to this.

L. A. Anderson."

Senator Kileen: I will now ask for that account.

Mr. Ekern: I did not understand the chairman last night to request me to produce that account. I will be very glad to have it sent up. Is that satisfactory?

Senator Kileen: I did not ask you because you offered to do it, and I accepted your offer. You offered to produce it.

Mr. Ekern: That was a misunderstanding then, but I will send right down and have it made up if that is agreeable to the senator.

Mr. Aylward: I do not care to examine the witness.

The Chairman: Any further questions by any member of the committee?

Senator Cunningham: I move you the committee do now arise.

Senator Randolph: I hope the senator from the 22nd will just withdraw that question for one moment.

Senator Cunningham: I withdraw it for a moment.

Senator Randolph: Mr. Chairman, I move you that the communication sent by His Excellency the Governor yesterday morning be inserted into the records of this investigation, so that we will have it in the report of the proceedings of our investigation.

Senator Husting: Mr. Chairman, do I understand this will conclude all proceedings in this matter. I understand Mr. Ekern and all the parties concerned were requested to appear here by counsel, and the resolution was adopted to that effect. Now Mr. Ekern has come here with his counsel, and the duty of counsel is not only to examine witnesses but also to review the testimony adduced at the hearing, and I think it a matter of justice to Mr. Ekern, and a matter of courtesy to his attorneys, that they should be given a reasonable time in which to present the evidence which has been adduced here before this committee. The evidence has been somewhat voluminous, and it seems to me it will not only be proper but of aid to the committee in arriving at a solution of this matter, to hear the counsel of Mr. Ekern who now are here and ready to present his side of the matter. I trust the senate will not foreclose Mr. Ekern or his counsel, after having expressly invited them here to present their case, to present the same in a proper manner.

Senator Randolph: I do not want to rise to a point of order on the senator from the 13th, but I think my motion is before the House, that that communication sent from the Governor be inserted as a part of this record. I do not think action has been taken yet. Has the Chair decided that it put the motion?

The Chairman: The motion is before the committee at this time. Gentlemen, you have heard the motion of the senator from the 15th that the communication of the Governor to the senate be inserted as part of the record in the investigation by the committee.

Senator Culbertson: The senator from the 14th instead of from the 15th.

The Chairman: The motion I referred to is the motion of the senator from the 15th. Are you ready for the question? Those who favor the motion will say aye, those opposed no. The ayes have it, and the motion is carried.

Senator Bosshard: Mr. President, I desire to offer a substitute motion and resolution in place of the motion proposed by the senator from the 14th. I think it covers practically, at least one feature covered by the senator's motion.

The Chairman: The motion of the senator from the 14th I think is properly before the committee at this time.

Senator Bosshard: I offer the motion here as a substitute motion.

The Clerk: Senator Bosshard offers as a substitute motion, amendment, for the motion made by the senator from the 14th, the following:

"Resolved, by the Committee of the Whole that the testimony of no further witnesses be taken in this hearing.

"Resolved, further, that privilege be given to the members of the senate to discuss the evidence taken in this hearing in pursuance to senate resolution No. 8, and that the attorneys for each party to said controversy be given the opportunity to address the senate, the time of argument of counsel to be limited to one hour."

The Chairman: Would you have it understood, senator, as one hour for each party?

Senator Bosshard: An hour for each party to the controversy. That is, if more than one attorney speaks the two of them combined to limit it to one hour, not more than an hour's argument by counsel on either side.

The Chairman: The question is on the motion of the gentleman from the 32nd. Are you ready for the question.

(The question was called for).

Senator Browne: I am opposed to this substitute amendment and in favor of the motion as it was before amendment. I am opposed to the substitute amendment for the reason we have taken up considerably more time than we expected when we started to take it up. This controversy has assumed a broader field than any senator here I think expected it to reach. We have shown all the courtesy to all parties entitled to it here, and I think this senate, composed of thirty-three members, is supposed to consider matters of great importance and consider those matters by discussing them upon the floor here of this senate without the help of any paid attorneys. I think that this senate is capable of discussing this matter.

and I believe that it will discuss this matter in a fairer way, with less partisanship, with not the partisanship that a paid attorney has for his client, and will be able to get at the truth of the matter and the facts in this controversy better if they leave out the attorneys.

Only one side here is represented by attorneys, and there are at least twelve attorneys in this body, so I think there are enough attorneys in the case. I do not think we will have to go outside and hunt around with a fine toothed comb to drag any more attorneys into this chamber. We have got twelve that are sitting here, and we have got other members just as able to discuss it as any of the attorneys.

Now, it strikes me that in rendering the decision that we have to render here, and in discussing the acts of one great department of this government, just as great as this department here, the executive department of this government, that we ought not to invite attorneys in here to discuss these matters. We know this, everybody that has listened to this controversy, that many insulting things, insinuations, have been brought out here by attorneys that I think are not in place here. We know if we go into any court in this state if any attorney speaks disrespectfully of any other judge or any other judge's decision, no matter if that decision is absolutely wrong, if he utters one word in disrespect of that judgment he is reprimanded by the judge. In our highest tribunal in this state, the Supreme Court, if you go in there and submit a brief, no matter how grossly unjust the decision of the lower court is, if on the pages of your brief you utter one word, one line, or even a syllable, disrespectful of any trial judge in this state the Supreme Court will reprimand you and strike your brief from the files, and you will be reprimanded so you will never do it again.

Now, one of the great bodies of this state, a body that has great traditions, the Senate of Wisconsin, should not sit here and listen to one branch of this government discussed the way he will be discussed if we allow paid attorneys to argue here, attorneys who are interested the way all attorneys are interested, pecuniarily, and in this case, I say in this case the attorneys, at least one of them, has run in this state against this governor that he would like to discuss. They are great political issues they are seeking to drag into this controversy, and

I don't believe, Mr. President, it is the policy of this senate to drag on the discussion here or have these matters discussed. I believe the senators can discuss them themselves and are fully competent to discuss them. That is why I am against this substitute amendment and hope the substitute amendment will be defeated by this senate.

Senator Bosshard: The senator seems to base his opposition to this motion chiefly upon the proposition he put forward at the outset, that this senate has not the time, or it would be squandering the time necessarily devoted to listening to arguments of counsel upon the evidence offered in pursuance of the resolution under which this committee has been sitting.

Now, I contend, Mr. President and Senators, that is a specious objection offered at this time. We know there is not a committee meeting of any committee of the senate that is being interfered with, or the time of which is being taken up by the work we have been engaged in here during the last two days, and even though we were not in session at this very moment there is not a senator here who would, I dare say, be attending to his official work; he would be devoting his time perhaps to his private business or his correspondence, in his own committee room.

Now, then, I say it is self-evident that, from the standpoint of the alleged waste of time, that no senator for a moment ought to withhold his vote from this resolution because of that, because we might just as well, for our own benefit, improve the opportunity and devote another hour to this hearing, as long as it has taken as much time as it now has, without any member here sacrificing any valuable time to his constituency or to the state.

Now, furthermore, I see no reason why any senator should fear or have cause to fear the effect of any argument made by counsel. We are all apprised of the fact that attorneys are here representing one of the parties to this controversy, and we know, no doubt, that in the discharge of his duty his discussion of the questions before us will be more or less biased by his partisanship, but nevertheless this senate, I take it, is intelligent and fairminded enough to be able to make due allowance for any super-zeal of argument by attorneys on either

side of this controversy, and at any rate, no senator here ought to entertain any fear that he might be misled and might be prompted by any argument of counsel to arrive at a conclusion contrary to the real merits and facts in this controversy.

The senator has argued that the fears that counsel in their argument will go outside of the record, that they will attempt to make this a political issue, but I call attention of the senator to the fact that the members of this committee of the whole have within their control and power the absolute regulation and the absolute right to restrict counsel in their argument of this question, and that counsel, I trust, themselves have sufficient sense of propriety in their discussion of this proposition as contemplated by this resolution to keep within the bounds and limits of the resolution under which we are now sitting, and to address themselves solely to the merits of the controversy.

And I say again, to repeat, Senator Browne, that no member ought to put himself on record here and subscribe to the doctrine that we, as a senate, are in a position of fear and trembling that the merits of this controversy will be beclouded by any argument of counsel. We have the time. We can spend it to no better advantage. We may not receive much assistance or much light, perhaps, as a result of the arguments of counsel, but certainly no one can be prejudiced and no one can be harmed, and, as my colleague to the left (Senator Hustling) well stated, no attorney's duty to his client is fully performed when he has discharged it merely to the degree these gentlemen have here in behalf of Mr. Ekern so far. They have assisted the senate in the presentation of the evidence, and, with the mass of evidence taken, with their familiarity with the controversy, it seems to me their full duty to their client would not be fully discharged, and it would be an act of discourtesy on the part of the senate if we should deny them at this time a one hour argument on the evidence and I hope, in justice to the counsel not only for Mr. Ekern, but every other party to this controversy who saw fit to improve the opportunity of being here, that this senate will not go on record in favor of a proposition of that kind, and I feel it is no more than a matter of fairness to the parties to this controversy and to the attorneys who represent them and have been in-

vited before us, that we give them at least an hour, and the resolution, or substitute motion, should prevail.

Senator Randolph: Mr. Chairman, I am somewhat surprised at the senator from the 21st when he rises in his seat and asks that that substitute resolution be defeated which merely asks that these attorneys who have represented Mr. Ekern in this case be given one hour to argue the case before this committee.

Why, Mr. President, I was surprised when he laid such great stress on the courts, and what would become of any person who would say a word against the courts. Why Mr. President, he, as a member of this body, ought to be satisfied to let this case rest in the hands of our chairman who has presided as ably as any judge in your Circuit Court or your Supreme Court of Wisconsin could preside, and I trust and I hope that this committee will see fit to have that much confidence in our chairman.

Senator Kileen: It does not seem to me that we ought to spend any more time in reference to this matter now for the purpose of allowing the paid attorneys of Mr. Ekern to argue this matter before us. As a matter of fact, it has been the custom of the senate in the past to consider matters that come before them by themselves. We have considered other questions just as important as this question relative to Ekern. We have considered questions in this legislature vastly more important than the Ekern proposition. When was it that we went outside of the senate and employed attorneys to come in here to discuss those matters before us? I was opposed to that part of the resolution that provided for the bringing in of paid attorneys to examine witnesses before this senate. This senate, as a body, is capable of examining its own witnesses. We could bring those witnesses in here and examine them ourselves. It was not necessary for us to put into a resolution, a resolution framed up in Mr. Ekern's behalf, a clause asking Mr. Ekern to come in here and examine witnesses before this senate. Every man that is in this senate is capable of examining a witness that is brought before us. We do not have to go out and bring in paid attorneys, and what is more we do not have to have paid attorneys to come in here and argue propositions before this senate. This senate is, ought to be anyway, a body capable of taking into consideration this testi-

mony without it being explained to us and argued to us by Mr. Ekern's attorney. We never have in the past brought them in here to argue proposition. Why the great necessity for their arguing these propositions? Why the necessity, why the necessity for bringing this matter in in the manner in which it was brought in? Why the necessity for conducting this examination in the manner in which it was conducted? Why the necessity now for bringing in paid attorneys to explain the proposition? It seems that it is necessary, by some of the members of this senate, to have this matter argued, and conducted and brought about in a way like this. I think this examination ought to be fairer. I think it ought to be done by this body themselves. And I do not believe that it is necessary for us to sit here now and spend our time listening to Mr. Ekern's attorneys summing up this case. We have heard the facts, we have heard the evidence, and we ought to be able to sum it up for ourselves, and, if we are not able, then we are not fit to be members of this senate.

Senator Husting: I desire to say a few words in reply to the senators on the other side who have been so much concerned about the waste of time in this controversy.

It seems rather absurd to hear senators talk about the loss of time. This is now the fifth week of the session and the committees over which some of these gentlemen have presided have not as yet had one single committee meeting in the five weeks in which this legislature has been in session. There has been no business transacted except the routine business that is incident to the opening of every session, and that is the preparation of bills and the attending to correspondence. So it cannot be that pressure of time stands in the way of a full and complete hearing here, but it rather appears to be the unwillingness of members to devote the proper time to what is probably the most important thing that has come before the legislature of Wisconsin at this session. Is it a small thing that a man at the head of one of the most important departments of the state is summarily dismissed from office, upon what on one side is contended to be born out of malice and for revenge, and on the other side claiming, as they do, that this incumbent of the office who it has been attempted to discharge, or has been discharged—I don't care what view you take of it—on the charge that he has violated the duties of his office as in-

insurance commissioner? Now, is there anything more important that the senators will point out that will engross our attention this afternoon than the question of whether Mr. Ekern has been properly discharged from his office or not? Will they tell me what important business now lies before the senate of Wisconsin which they will take in hand after we adjourn and this matter has been disposed of? If there is anything of supreme importance, if the senator's time (referring to Senator Kileen) is so valuable that he cannot forego one hour or two hours of his time to properly consider this matter, I am not informed of it, and I ask the gentleman, the senator (referring to Senator Kileen) to tell us, if he can, what matter he proposes to take up after this matter has been dismissed. I can already hear the motion for adjournment the moment that this senate resolves itself again into a senate.

Now, not only that, but, as has been stated before, the gentlemen here, Mr. Ekern and his attorneys, have come here, not intruding themselves upon our time, but upon the express invitation of the senate. All of the argument of the senators against giving the time to discuss this matter might have been relevant to the question if made at the time this resolution was up for action in the senate. That was the time to say we did not need any attorneys. That was the time to defeat the resolution if our time was so valuable that we could not take it up with such a trivial matter as who should be the next insurance commissioner of Wisconsin. But, as I see from the record, this resolution was passed, and Mr. Ekern was invited to appear here by his counsel and to present his case to the senate of Wisconsin. This same invitation was extended to the Governor who, in a message which he honored us with the other day, informed us that it was no business of the senate to find out what his position was or upon what grounds he stood. Neither did he see fit, although I understand counsel has been employed by him in the court, to come here and cross examine these witnesses and to endeavor to put in possession of the senate the information which might tend to show the position he has taken in this matter.

Now, because the Governor has seen fit to spurn the invitation of the senate and has seen fit to refuse to obey the subpoena of the senate, shall we therefore punish Mr. Ekern and

his attorneys by saying because the other side did not care to be heard in this matter before us they shall not be heard, or is it a matter of decency and of justice to say to Mr. Ekern: "You have come here upon our invitation; you have brought your attorneys here before us, and we now desire to hear what they have to say" in substantiating the position of Mr. Ekern in this controversy.

It is all very well to say that we are endowed with so many attorneys, brilliant attorneys, here. If that were true, and I have no doubt it is true in some instances, we still, I think, ought not to put ourselves above the Supreme Court, which is always ready to listen to counsel brilliant or otherwise, when they have a case to present before them. The Supreme Court is certainly the most dignified judicial body of Wisconsin, and when it is not beneath their dignity to listen to arguments of counsel it would seem to me that the senate of Wisconsin, without debasing itself, might listen to the attorneys that Mr. Ekern has seen fit to confide his case to, and hear what they have to say on the proposition, for an hour. I don't think one hour is adequate to properly present this matter, but that is all it seems that we are disposed, even the most generous of us are disposed, to give them, and it seems to me entirely unjust, unfair, for us to withhold that privilege.

Now, another thing about this substitute amendment. I understand if the original motion to dissolve this committee at this time should prevail it would cut off all debate, and even then the twelve attorneys that are members of this body will have no opportunity to say anything at all on this subject. In other words, if the original motion prevails, this matter is going to be absolutely closed and disposed of, and is going to wind up with a sizzle instead of serious discussion of matters, of an important matter that ought to be thoroughly considered and discussed before we act upon it.

Now, the senator wants to know when the state of Wisconsin has ever invited paid attorneys to come, or permitted them to come, before the senate. We are not sitting as a senate, we are sitting in committee of the whole, and the senator's memory is very short if he does not recollect that even as late as last session, when the Postal Savings Deposit bill was up, that all of the paid attorneys of the banks were given freedom

of speech before the committee of the whole, and the senator (referring to Senator Kileen) listened very intently, I believe, when they discussed the proposition. Not only that, but we have committee meetings in which we listen to legislative counsel. We have provided even by law that counsel should go and register when they desire to represent any client before any committee, and the committees have sat sometimes days and weeks listening to paid attorneys discuss propositions before that committee, so that not only has it never been done, but it seems to me to be the practice, at least since the legislative counsel proposition has been in vogue, that all committees expect those whose interests are involved in legislation to have their paid counsel there to represent them.

Now, I say in conclusion that it is not only a matter of fairness and justice to Mr. Ekern to be heard here by his counsel before this body, but it is a slur, an insult on his counsel, an act of positive discourtesy, not to permit them to talk, and, far more important than even that, whether counsel are treated courteously by this body or whether Mr. Ekern is treated unjustly, is the fact that we, the senate, want to be informed by evidence and by argument where in the right on this matter lies.

Senator Culbertson: Mr. President, just a few moments, please. I take it for granted that this debate is supposed to be followed out for my benefit for the reason you know I am nothing but just a practical ordinary farmer, and farmers are not supposed to be up to date in these things, and I want to say in that regard that I have listened to all the testimony. I refrained from reading the newspaper statements because I knew they were exaggerated and overdrawn, perhaps, so far as both parties were concerned. I welcomed the hearing in this body. I voted for it because I wanted to hear the actual condition of things. Now, I have listened and it would not make any difference to me now if these gentlemen would take ten minutes or ten days. I have the evidence and if this continuation of this evidence is calculated to apply only to a farmer back in the country, I want to inform these people pleading for me that I won't need it. I don't care for it.

The reason I mention this is I think all of the other gentlemen in the senate are what we ordinarily term educated men.

Now, I am not, and to explain my idea I simply have attended the common rural school, away back some years ago, and two short terms in a high school. Now, the continuation of this **hearing** would have no weight whatever with me. We have heard the evidence. The senate is able, I think, being a body of representative men, except myself, and I claim for myself that the argument which might be presented by these gentlemen would have no weight whatever on my decision because I have heard all of the evidence.

I thank you.

Senator Bishop: I am glad that one farmer in this body has been able to come to his feet and inform the senate of the state of Wisconsin that they have one member who need not be informed any further or have repeated to him the testimony given before this committee.

I am proud to say that I am a farmer, and, days ago, when I came to Madison, from all that I heard in and outside of this Capitol, I was led to believe that in this matter of Mr. Herman Ekern's hearing in the Governor's office that fair play was not extended to him, that the hearing accorded him was cut short on account of the hands of the clock marching towards twelve.

Now, Mr. Chairman, I, in poor health, have stayed here and heard, I think, the testimony of every witness that has been placed in the witness chair. I have looked forward to the time when this committee closed its testimony to hear an able attorney go over the testimony and explain to the senate committee just what bearing this testimony would have in the settlement of this affair in justice towards one of the grandest and noblest men in the employ of the state of Wisconsin, the man at the head of our insurance commission. I have listened carefully to the testimony of two or three of these men, especially the last witness in the chair, where he had talked with our governor in regard to the removal of Mr. Ekern, and the thought comes back to me that I am not like the farmer that has just spoken, able to determine as to whether the conversation between our tax commissioner and the Governor of the state of Wisconsin, whether he was justified in having such conversations and giving to the Governor the advice or talk which he did, speaking of the grandeur of this man Anderson

that the Governor was about to appoint. I am not able to decide as to whether that comes within the scope of his jurisdiction any more than if the same talk had occurred between Mr. Ekern and the Governor of the state. I hope, Mr. Chairman, that the substitute motion will prevail.

Senator Ackley: In this body which as its precedents from the years gone by, I think that no man will stand before this body and in anyway say anything that is derogatory to this body or which we may take offense about, and, Mr. Chairman and gentlemen of this senate, our supreme right of objection will prevail if he does, and, gentlemen, I hope that this substitute amendment will prevail and that the attorneys for Mr. Ekern in this case will be given a chance to make their arguments to this body.

(The question was called for).

The Chairman: That the members of the committee may be perfectly clear on the motion, as amended, the Chair will ask the clerk to read the amendment.

The Clerk: Amendment to the motion made by the senator from the 14th, offered by the senator from the 32nd, now before the senate:

"Resolved by the committee of the whole that the testimony of no further witnesses be taken in this hearing.

"Resolved, further, that privilege be given to the members of the senate to discuss the evidence taken in this hearing in pursuance of senate resolution No. 8, and that the attorneys for each party to said controversy be given the opportunity to address the senate, the time of argument of counsel to be limited to one hour for each of the four parties named in resolution No. 8, S."

The Chairman: The question is on the motion of the senator from the 14th as amended by the senator from the 32nd. Are you ready for the question?

Senator Bosshard: I believe the question is upon the adoption of the substitute amendment, not upon the motion of the senator.

The Chairman: The Chair stands corrected. The senator is right. The question is as he states. Those who favor the substitute amendment will say aye, those opposed no. The ayes seem to have it. The ayes have it and the motion is carried.

The question now is upon the motion as amended. Is the committee ready for the question?

(The question was called for).

The Chairman: Those in favor of the motion will say aye, those opposed no. The ayes have it and the motion prevails.

Mr. Olbrich: Mr. Chairman, gentlemen of the committee: As we have understood the resolution of the senate, No. 8, it calls not merely for discussion of any controversy between Herman L. Ekern and Francis E. McGovern. As we understood it, the question raised and the proposition involved was one vastly more important than any controversy between individuals, and it is in that spirit and with that thought in mind that I desire to call the attention of the gentlemen of this committee to some of the fundamental propositions relating to the matter of removal and appointment, relating to the matter of impeachment, if you will.

As I submit, from a careful examination of the statutes and the constitution of this state, the orderly, ordinary, common, accepted method of vacating an office of this character is by impeachment. And that is provided by Article 7, Section 1 of the constitution, which provides, in the organic act of the state itself, that the court for the trial of impeachments shall be composed of the senate; that the house of representatives shall have power of impeaching all civil officers of this state, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment, and that on the trial of the impeachment two-thirds of the members present shall concur in the verdict before an impeachment shall be voted, and then, when the impeachment is voted or passed, it shall extend only to removal from office, so that I submit the ordinary, regular, customary method or mode of removal from office under the constitution and the statutes of this state is by the solemn process of impeachment, and so it is with that in mind that we come to consider the extraordinary power that has been sought to be exercised in this case, the extraordinary power conferred upon the governor of this state to make removals only during the recess of the legislature.

Now let us examine a moment, if you will, and see what the situation involves, and this, I say, is directed to a considera-

tion broader than any mere matter of controversy between these individuals. It is directed to the question of future legislation, which I understand is embraced within the purview of this resolution. It is addressed to the proposition that under the statutes of this state, as they stand today, if the contention of the Governor of the state of Wisconsin prevails as to his position as it is outlined in the message that he presents to the senate, it means that for six months out of every two years it requires the solemn concurrence of fifty-one representatives of the people of this state, by unanimous action, to bring an indictment or institute an impeachment, and then it must come before this body, the senate of Wisconsin, and, by a concurrence of two-thirds of its members, impeachment shall be sustained or dismissed. Impeachment shall be dismissed only upon action of two-thirds of those present, and, if the contention of the Governor shall prevail in this controversy, you reduce to the situation that while for six months out of two years it is impossible to remove a man from the office that occupies the dignity and standing of commissioner of insurance except by the united voice of at least fifty-one members of the assembly and two-thirds, ordinarily twenty-two members, of the senate, it reduces itself to the proposition that for the remaining eighteen months of that time you have got a situation where the executive clerk in the Governor's office, upon affidavit, substitutes himself for the solemn decision of fifty-one members of the legislature, and then the Governor, sitting as a court of impeachment, or a court of removal can, by his action, no matter how arbitrary, under their contention, do an act that they say you cannot go into.

The Governor, upon these charges instituted by his executive clerk, and I make the statement in reference to the particular situation here involved, by affidavit of his executive clerk, proceeding, not in the first instance as a solemnly chosen representative of the people, proceeding, of course, upon his own initiative, or, entirely upon his own initiative, the executive clerk, of the Governor's office, may be substituted for the concurrent action of fifty-one members of the lower house of the legislature of Wisconsin, and then the Governor, no matter how arbitrary his action may be, under the message he has submitted here, can say that under his ipsi dixit the question

is foreclosed from further discussion, and that this senate, which for six months has sole jurisdiction, may not even, without impropriety, consider the proceedings that have been had in this extraordinary trial of impeachment. And these proceedings, I say, are submitted entirely apart from the present consideration that the senate, or the committee, may have them before them in following a system of orderly procedure, if it shall be finally determined in the courts of this state or any such preposterous construction shall be placed upon the law as has here been contended, that this senate shall be advised of the situation which, as I say, gives to two men for eighteen months of the two years the power that out of the remaining time, six months, is lodged in fifty-one to initiate and twenty-two to concur.

I want to ask if there is anyone that has the hardihood to contend, any one that has the hardihood to assume, this senate is going to go on record on a proposition convicting the previous legislatures of such utter imbecility as involved in that proposition, that during the session of the legislature the enlightenment or executive attitude that may not go into the question, temporarily goes into eclipse, and it takes the entire senate, the entire assembly, to perform the acts that may so freely and easily be performed during the recess. What is there about the contaminating presence of the legislature that should reduce the executive function to the point where he is no longer capable of exercising the same discretion after twelve o'clock on January 8, 1913, that he had before, and what is there that should gift this executive clerk with the power to initiate and institute a proceeding up to twelve o'clock January 8, 1913, that the constitution lodges alone in the concurrent action of fifty-one men after that time? And I say that those considerations, which would seek to create a sort of a political Elysia seasonally for the corrupt official so that he cannot be removed except by the legislature suspending its solemn functions and going into a court of impeachment, and then at the end of the legislative session turns over the public official, however upright, however incorruptable to the mere whim of whoever occupies the Governor's office, be he political gun-man or an enlightened statesman. I say these considerations should be kept carefully in mind when we ap-

proach the threshold of this inquiry as to what limits and what powers have been conferred upon the Governor of this state to act during legislative recess and effect removals ordinarily and normally vested in the senate alone.

Now, then, with that in mind, let us come to the consideration of the situation in the specific case. The situation presented to the senate upon which the committee of the whole is sitting to take testimony, as I understand it, is to examine into the facts relative to determining whether or not a confirmation shall be made of the pretended or purported appointment of Louis A. Anderson. Now, then, that is not a mere ministerial function. It is not mandatory upon the legislature that they shall act. The organic act, the constitution, provides that appointments shall be made by and with the advice and consent of the senate, and I submit, His Excellency's message to this body notwithstanding, that this co-ordinate branch of the state government has a very important function to play in determining first of all whether or not there is a vacancy to be filled. So, before this senate should proceed, it must in some manner, in some form, unless it be driven like a lot of school boys under the executive whip to the consummation of every act, however unreasonable, however uncalled for, absolutely legislative autonomy to carry out the legislative will, there must be call for some discretion contemplated by the provision all these things shall be done by and with the advice and consent of the senate.

So we come first, I say, to consider the preliminary proposition of whether or not there is in the instant case, or was in the instant case prior to the time this case was transmitted to the senate for confirmation, a vacancy in the office of commissioner of insurance, and while it is possible in the time limit here to touch only briefly the points, it seems to me, even on a hearing before the senate, should be considered we contend first of all there is no vacancy, because the order of removal, barring every other consideration, is void upon its face, because the public seal, or Great Seal of the State of Wisconsin is not attached thereto.

Now, then, I will not take the time to go into the decisions on that matter. The time allotted to me is almost up, but I do want to call your attention to the fact that this matter of a

seal upon the official act of the Governor is not a mere nominal matter, to be lightly disregarded. Section 141 of the Revised Statutes provides that every official act of the Governor shall be countersigned by the secretary of state, and the Great Seal of the State of Wisconsin, attested, and I want to direct your attention in the few minutes that are left to me to the proposition that the constitution, the organic act adopted by the people of this state, provides, Article 13, Section 4, for the adoption of a Great Seal by the Legislature. There are exactly, in the new volume of the statutes, thirty-four separate titles or main sub-heads. Title III embraces six different chapters, and in the statutory classification, co-ordinate with such topics as The Legislature, The State Officers, is found "The Public Seal." Under Chapter 9 of Title III are the provisions found with reference to the form of the Great Seal of the State of Wisconsin. Now, these decisions will be available. They are noted on our brief, and will be submitted in appropriate form for the use of the committee. I will not take time to go into them more than to say this, that the Supreme Court of this state have held that the omission of a mere seal of a commissioner to take testimony invalidates so simple a matter as an affidavit for substituted service, that it has been held in this state over and over again that the omission of the seal of a county to so simple a matter as a tax deed invalidates the deed, and we submit, as a proposition too apparent for argument, that if a deed to \$50 or \$100 worth of land in any part of the state is invalid because of the omission of the seal of the county, then the omission to affix the Great Seal of the state to a commission or to an order terminating the right to an office carrying with it perquisites amounting to \$20,000 is invalid. Surely if that informality with reference to the minor matter controls and determines its invalidity, then on a matter of the importance of this a similar consideration must prevail, and I have half a dozen or more cases bearing on the omission of the Great Seal. The opinion that the attorney general rendered to the secretary of state bears out our contention as we claim, and as will be set forth in our brief, because he says it is a mere ministerial act to put the seal on the commission and that the refusal to do it would not invalidate the commission, but we have got a situation here

where an official act of the Governor has not been authenticated or attested by the Great Seal, and there has never been any request, there has never been any refusal, to affix that seal, and, because that official act was not contemplated during the official recess of the legislature, it is too late now, by any *nunc pro tunc* process to get the seal on and make the order valid that was invalid.

Now, then, I have thought to touch upon the broader questions rendering this order of removal invalid, for the utter arbitrariness, the utter want of good faith, that characterizes the executive action. It is not my disposition to linger on that, it is not my desire to indulge in any language that will offend any members of the committee with reference to the legislative act. I do not need to do that. The mere transcript of the proceedings held in the executive office is the most seathing arraignment that could possibly be presented as to the executive action in that respect, and further discussion on that proposition, owing to the limits of time, I leave to my associate.

Mr. John A. Aylward: Mr. Chairman and Senators: I quite agree with the gentleman who objected to argument. I presume it was based on the ground that there was not much need for argument, and that is our position. Under the testimony here and under the showing there isn't much occasion for any argument at all. It has been made, I think, under the testimony, plain enough, and the hour is enough to call your attention to it, and we thank you for the courtesy given to Mr. Ekern in allowing his testimony to be made of record, and we thank you for the time briefly to call attention to it.

I do not want the senator who is going to Congress (Senator Browne) to go away with the wrong impression that there is any personal feeling between Governor McGovern and myself. Not in the least. It is true I was a candidate against him. It was because I held the office of Governor of Wisconsin in the very highest esteem, second only to the office of president of the United States, and it is because we believe the Governor has not lived up to the dignity of the office that this hearing is brought on here. There is no personal feeling. We have been personal friends and are personal friends. So much so that I was requested to act upon his reception committee on

the 6th day of January last, and thought it an honor, and was pleased to accept and serve on his reception committee.

Neither is there any politics in the matter. The senator who is going to Washington (Senator Browne) seems to lay stress on the fact that we are paid attorneys. I wonder if he ever went into court as a paid attorney, and, if he did, I wonder if he thought that he was disgracing himself. Those things do not come well from attorneys. You might as well talk of a paid physician performing his duties, or a paid minister performing his duties.

Neither is there any politics in this matter. I have one set principle with respect to my practice. I will not go into all cases, but, when I go into a case, neither religion nor politics nor friendship will prevent me from the proper performance of my duties, and, lest there be any misunderstanding with respect to that, I want to say although I am a democrat that I have not sought to make any democratic thunder out of this, because there is no opportunity. While it is true that the Governor and other officials here who happen to be republicans have violated the Corrupt Practices Act, and violated the primary law, and violated the election law, I have not the least doubt you can go out and find in the last election that the democrats have violated them just as openly and just as often, and there isn't anything to be gained on that and, as I said to a senator last night, I wish that the matter might be fully examined and some law passed that would stop the open, persistent violation of those laws.

I said in opening that I was sorry that the Governor did not see fit to appear in this proceedings. I wish he had, and I am sorry that any senator should have been afraid that either Mr. Olbrich or myself did not know enough to preserve and observe the equities and the courtesies of the occasion. Some one has said that you cannot wrestle with pitch without being defiled, and, in discussing evidence, you have to discuss it and offer it for what it is, you cannot change it, and if there are things in this testimony that are unpleasant, if certain conduct has been unseemly, if certain things were done under cover of the dark with the thought that they never would come to the light, if they have come to the light it was not our fault. It is our duty to bring them out.

Now, then, passing from that, if the committee please, we believe this, that the testimony here justifies this body in finding that there is no vacancy in the office of insurance commissioner in this state. We believe that the testimony justifies the committee in finding that the pretended removal was not made in good faith; that it was arbitrary, and we believe that the testimony will show that the Governor, in attempting to make a removal, proceeded without jurisdiction, absolutely without jurisdiction in the matter, and the testimony will justify the committee in finding, even if the Governor had jurisdiction, that there was no cause for action shown, and we believe that the evidence will warrant this body in taking the initiative in the formulation of laws that will prevent such unseemly proceedings as we have had in this building within the past two weeks.

It does not require, gentlemen, as the senator suggested, even to the lawyer members, and not even to the farmer member of the committee, a discussion of the evidence to convince any man that is open for conviction that the Governor did not act in good faith. We have it from Mr. Belitz that it was his judgment, as the advisor of the Governor that it was the judgment of Senator Wilcox as the legal advisor of the Governor, that it was necessary that the Governor act in this matter in good faith. So there isn't any opportunity anyway for discussion on that point. It is conceded as a legal proposition by the two officers and by the Governor himself, in pretending to act on that advice, that it was necessary that he should act in good faith, and not in an arbitrary way, and I submit to you gentlemen the testimony here shows a proceedings more arbitrary than history discloses was ever exercised by Lord Bacon or by Jefferys, or by any star chamber that ever held forth in this country. I do not wonder that the Governor did not appear, and I am not surprised that the gentlemen who have defended him here did not want a discussion of the testimony.

Let's see. What does Mr. Haugen say? Haugen says that on Sunday before the legislature met, or before he knew anything about the transaction, before the Governor knew anything about the hiring of an office or headquarters at the hotel, before Richards, before Rosa, before any of these men had been in the city, what does Haugen say? Haugen says

the Governor told him on Sunday that he had determined to remove Ekern. Not only that, but had determined to start negotiations as to who he should appoint in his place. That is the first thing to tie to. And then what? Then he consults the attorneys, Belitz and Wilcox, and they tell the Governor: "You have got to give him a hearing under the law." And what is the law? The law is Section 1966y, which provides that the commissioners—only such officer can be removed—

Mr. Olbrich: That is 970.

Mr. Aylward: "All officers, except senators in Congress, and those specified in the preceding section, who are or shall be appointed by the Governor, by and with the advice and consent of the senate, or by the legislature without the concurrence of the Governor, may, for official misconduct, habitual or wilful neglect of duty, be removed by the governor, upon satisfactory proofs, at any time during the recess of the legislature"—

Senator Husting: What section is that?

Mr. Aylward: That section is 970. Now, then, proceeding under this section to obtain "satisfactory proof" what does he do? Mr. Belitz testifies—and I have no word of criticism upon Mr. Belitz. I might say Mr. Belitz has had good training; he was a student in the office of the Governor, and, the next best thing to that I know of, he had some training in our office; he is a gentleman all the way through, and he is honest, and he is capable—what does he say: He says that before, the Monday before Ekern was brought on the carpet at all, that he and Wilcox were upstairs preparing a complaint, and preparing an order of removal. I wonder if any of these twelve senators who are lawyers have ever heard of such a proceeding? Senator Burke suggests that sometimes judges prepare their findings or prepare a form of judgment, but no judge ever in Wisconsin, has gone to work and prepared a judgment, or ordered a judgment prepared, before he had heard the evidence, and Belitz says that he and Wilcox were doing that thing. Not only that, but on the day of the hearing the testimony is that Ekern's testimony began at eleven o'clock, and before Mr. Ekern ever opened his mouth or offered any testimony, the order of his removal was already prepared. Do you wonder why the Governor did not appear? Came out in the

papers this morning and said he defied the senate. I tell you, gentlemen, he did not dare appear when the details of that conduct were coming out.

Senator Burke calls attention to the fact that the order in this case, the order pending in the Circuit Court of this county, was prepared, in part, in that way. Well, I will say for his benefit, and some of the others, that that order had been prepared and we were waiting just about ten days for them to walk into that trap, and they walked into it. But what did the judge do? That order was issued at three o'clock and he made it returnable at five o'clock. What for? To go to trial? No. Simply to show cause why they should not stop tearing down the Capitol building, that is all. And when they appeared at five o'clock, what took place? They wanted four days in which to decide what they wanted to do, and the judge gave them five days, and then they had a whole day to argue to the court what the law of the case was. That is nine days ago, and the judge has not decided it yet. But Governor McGovern could give cards and spades to Judge Stevens as to the conduct of business. In the first place he decides to remove the man, then he orders the complaint made and the order of the removal made, and then, having determined on those things, he issues an order to show cause and gives the man five minutes notice; hurries him into the hearing without opportunity of preparation, has the order prepared for his removal, offers his own testimony, and then won't allow Ekern even to finish his own testimony, won't hear Johnson, won't hear Beedle, won't hear any other witness, because he has got to get through at twelve o'clock. Gentlemen, it is just as the senator said, they don't need argument in any place, in court or out of court, to establish that that order was not made in good faith, and there is not a lawyer of this body, when you go into session, that will stand up and say: "Gentlemen, I believe that order was made in good faith." And yet our court decided—in the case of Dahl recently decided in the Supreme Court it must appear that the removing judge exercised his power in good faith, and, if that question is submitted, no senator, I do not care how prejudiced he is, will go on record and say under that record that Governor McGovern acted in good faith in making that removal.

Not only that, the subsequent proceedings show it was not made in good faith. Every lawyer here, and many others, know that in that situation, when the Governor pretended to remove, that the law gave three distinct remedies to Mr. Anderson to proceed to get possession of his office. It gave him the writ of quo warranto, to appear in court and in an orderly decent proceedings to try the title to that office. It gave him the writ of mandamus, to compel Ekern to deliver the books and papers of that office to him, if he was entitled to them. There is a civil action providing a penalty of not less than \$25 nor more than \$2000 against any man who enters an office and holds the office without title and holds the books and records of it. The law was open to them. What do they do? They meet in the Governor's office, and do they say: "We will institute quo warranto, we will try mandamus," or "We will bring a civil suit?" No. They determined to go down and demand possession. "And if we don't get possession what will we do? Why, we will either call out the militia, or we will use the police force and force an entrance to give this man forcible possession."

Gentlemen, in your judgment, does that indicate they felt they had the right in the matter and that they were entitled to possession, or that the court would give them possession? I submit, as I said before, the proceedings in the Governor's office, saying; "If necessary we will send the police force down and break down the doors and break the glass and use a crow-bar, to secure entrance" is not dignified or becoming conduct, either on his part or on Mr. Anderson's part. I want to call to their attention an old statute that is still in force in a little modified form. Away back in 1858 there was written as Chapter 151 of the Laws of 1858: "No person or persons shall hereafter make any entry into lands, tenements, or other possessions, but in case where entry is given by law in such cases; not with strong hand, nor with multitude of people, but only in at peaceable manner, and if any person from henceforth do to the contrary and thereafter be duly convicted he shall be punished by fine."

Now, then, I submit, gentlemen, that none of the proceedings in this matter can be construed with the thought that the Governor of this state was acting in good faith in the removal

or pretended removal of Mr. Ekern, but that he was proceeding wholly in an arbitrary way. Now, if the senate finds that, then there is no vacancy to be filled, either by Mr. Anderson or anyone else.

Passing from that; we submit that under the laws of this state the Governor had no jurisdiction in the matter. I read you the law with reference to removal. Now, turn for a moment to Section 1966y which creates the office of insurance commissioner. The latter part of Section 2 is:

“Such commissioner shall devote his entire time to the duties of the office and shall not hold any position of profit or trust, engage in any occupation or business interfering with or inconsistent with his duties, or serve on or under any political committee or as manager of any political campaign for any candidate or party.”

Now, then, a matter that has not been called to your attention. If the Governor had not specified for what act he removed Mr. Ekern, he would be in an entirely different position, but you lawyers will readily see that he could remove him only for two causes, and that was for neglect of duty or wilful misconduct, and, under the statute appointing him, that misconduct would be construed, if at all, simply by reason of the fact that he served on or under a political committee or as manager of a political campaign. Now, then, they having specified the very act of which he was alleged to be guilty, unless it appears that that act is an offense prohibited by the statute, then he was without jurisdiction in the matter, and the complaint in this matter, and the order which will be submitted to you, provides as charges that between the 1st day of January and the 8th day of January he was a member of the political campaign committee of L. L. Johnson, candidate for the speakership. Now, then, we submit, if you please, whether the proceedings looking to the election of a speaker is under our statute or is not under our statute a political campaign. If the men doing any work for him did not constitute a political committee then the Governor was without jurisdiction to act in this matter, and we submit, under the Corrupt Practices Act and under the election laws of this state, that the proceedings looking to the election of a speaker does not, under the terms

of the statute, constitute a political campaign. Now, so far as the jurisdiction is concerned, it rests right there. There is no provision in our law, I think—at least we have found none—which provides in any way for the election of the speaker. The constitution says that the assembly shall elect, or shall “choose” is the term they use, “shall choose a speaker, a chief clerk and a sergeant at arms,” putting them all three in the same category. They say the assembly shall choose a speaker, a sergeant at arms, and a chief clerk. You will note that under the constitution they are all treated in the same way. Now, then if the Governor has jurisdiction in this matter, then not only the election of a speaker, but the election of the chief clerk and the sergeant at arms constitutes a political campaign, and any man who works for them is a member of a political committee. I submit, gentlemen, on its face that that is an absurdity.

I won't stop to read the various sections of the election laws or of the Corrupt Practices Act. You will have time to do that, gentlemen. But you will find, if you start out with that thought in view, and read the election laws and read the Corrupt Practices Act, that we cannot possibly construe the election of a speaker as a political campaign. I will simply call your attention to one or two provisions which illustrate that.

On page 28 of the election laws as published by the secretary of state it says: “The word ‘election’ means a general or city election as distinguished from a primary election.”

“Nominations. Hereafter all candidates for elective offices shall be nominated:

“1. By a primary held in accordance with this act, or

“2. By nomination papers signed and filed as provided by existing statutes.”

That is the law. Is this an elective office? If it is, then the nomination for that office, under our laws, can be secured only in one or two ways, either by a nomination paper or by a primary. Do you have a nomination or a primary for speaker, or chief clerk, or sergeant at arms? You never heard of it, and you never dreamed of it. There are certain exceptions made in the following section, but they cannot, by any construction, be made to apply to a position of this kind. Running through other sections in reference to the primaries, you

will find that they can, by no possible construction, relate to the election of speaker.

Passing on, then, to party committees. A party committee is designated as a city committee, county committee, committees for the election of senators, assemblymen, congressmen, and every other office, but there is no possible construction of the law by which you can have a party candidate for the election of speaker, and yet the only charge against Mr. Ekern is that he was chairman of the campaign committee of L. L. Johnson in the campaign for speaker. And then, if you were to turn to the Corrupt Practices Act where the limitation is placed on the expenses of candidates of the different kinds, and the disbursements they will make, the same conclusion will confront you, that under the laws of this state it is impossible to construe the speakership, the election for speaker, as an election or primary as contemplated by our election laws or Corrupt Practices Act.

Now, then if that is true, Governor McGovern was without power and without jurisdiction, because his complaint stated no offense recognized by the laws of Wisconsin. Our courts have not passed on that but our court has said that when the court has not construed a law then custom is a powerful factor in construing the law. The affidavit of the assistant secretary of state, Mr. Nagler, is here, that no candidate for speaker in this state has ever filed the name of a campaign committee or has ever filed an expense account. Why? Because Mr. Mahon, Mr. Goff, Mr. Hull, Mr. Ekern, and prior candidates for this office, no one of them has ever believed that they came within the provisions of that law, and no one of them has ever filed the name of a campaign committee or has ever filed an expense account. That is the custom with respect to that.

Not only is that true, but the interpretation put upon the law by Mr. McGovern himself shows that he does not so construe the law. Why? Because it appears here that he believes that it is entirely consistent with the duties of this commissioner to consult with respect to political matters and political situations with respect to candidates for great offices. Mr. Ekern testified that in February last, following the famous banquet at Philadelphia when Senator La Follette, exhausted, broke down for a moment, that on the second day

thereafter Governor McGovern invited him to his office. What for? To discuss the political situation, and suggested to him that he, Ekern, and others, now change their allegiance from Senator La Follette over to Theodore Roosevelt. Does the Governor wish to have it believed that in so inviting this activity of the Commissioner that he was violating this law or inviting him to violate it? No. The Governor believed that under that law the commissioner had a right to do those things. I am not concerned with the political phase of it. I am not concerned with the—oh, the ingratitude of it, if you wish, but I knew Senator La Follette before you gentlemen did. I knew him when he was a student at the University. For six years my office was across the hall from him. I knew how he threw himself into his campaign up to the point of utter exhaustion, and I know, as you gentlemen, who have gone through hard campaigns or trying lawsuits know, that men wear themselves out to the verge, and even beyond the verge, of exhaustion, and I do know this, it would have been becoming in the Governor if he had waited at least until he knew the facts, and not invited one of the Senator's supporters to fly the flag of surrender and rush to the enemy's camp while there might be some credit, as he said, in Wisconsin getting in early. I am not concerned with that phase of it, because I do not play the game on that side, but I do believe, whatever side I am on, there is such a thing as loyalty in party and to your friends, and I do say that by inviting the commissioner to that conference that the Governor put his construction upon this law, and Anderson has put his construction upon it in dealing with Haugen and dealing with Myrland, in the committee, if you can call them a committee, they doing the work it is said Ekern did in this case. Anderson construed that not as a political campaign, and he did not construe Myrland and Haugen as a campaign committee, and yet this senate is called on to say that there was violation of the law because of the work for the speakership of the assembly, it came within the corrupt practices act and constituted a campaign committee and a campaign.

But I submit that that was not the occasion for the removal of Mr. Ekern. It was, as Mr. Belitz said, when they were considering, before any complaint was made, that Ekern had to

be removed anyhow. That was the secret of it. And I submit on that point, gentlemen, as my time comes near to a close, that under the laws of this state the Governor was without jurisdiction, and if he was, then the Governor, I believe, has no right to say to the senate that: "You have nothing to consider here, but simply to confirm the appointment or to decide whether you will confirm the appointment I made or not." You have a right to say and to know whether there was a vacancy or not. And we submit a finding under the evidence and the law should properly be made that there was no vacancy in the first place, because the Governor had no jurisdiction to act.

And gentlemen, take another phase of it: Assume, if you will, that the Governor did have jurisdiction. Then we say, under the testimony, that there was no evidence to prove that any offense had been committed. There is the testimony of Mr. Johnson, and really, gentlemen, for men who have gone through the campaigns that you have gone through, the campaigns that I have gone through, it is almost pitiable that a man could expect to be elected speaker of the assembly, and that he would pretend to have a political campaign, and pretend to have a political committee, and his total expenditures were \$7.50, \$5.00 to a stenographer for writing one hundred and twenty-five letters, and \$2.50 for the postage for sending them out, and the Governor says because Ekern had to do with such a campaign, he shall lose this office.

What does Johnson say? Johnson says he had no campaign other than he described. He said he had no campaign committee and no men working for him. Who knows? Well, now, either Johnson knows or Mr. Wilbur knows. Let's see. Wilbur said, and Haugen, said they did not know of a single specific thing that Ekern did, but Wilbur says there were rumors afloat. He was asked to name one person, not a hundred persons, but to name one person whom he had ever heard speak of Ekern's activity in that campaign, and he could not name one, not one. Gentlemen, it is almost an insult to your intelligence to speak, or attempt to speak, with respect to the telephoning for those rooms here in the hotel, and the Governor charging that that constitutes political activity. There isn't any law against political activity. Then he says that consti-

tuted him a chairman of a political committee in a political campaign, but it comes with such poor grace from the gentleman, who, beginning last June, spent June and July and August and September, and October, securing his nomination for the primary and attending conventions, and then carrying on his campaign throughout the state, to say that the insurance commissioner shall lose his office by reason of that fact.

What does Ekern say? You have Ekern's testimony and the only possible thing that is brought out here is that in conversation with Judge Rosa, with Richards, they discussed the general situation respecting the little party difference in the republican party and the differences between the senator and the governor. I will not attempt to discuss that matter, because my time is nearly up, but I submit that a dissection and an examination of the evidence discloses even if he had jurisdiction there is no cause of action because no offense has been committed.

Now, then, gentlemen, in closing, I simply want to say this—I won't trespass one moment on the valuable time of the senators with respect to this matter—but I say, gentlemen, under this evidence Ekern is entitled, he is entitled to a finding releasing him and freeing him from the charge and the stigma that has been put upon him. As rightly said by the other farmer senator, (Senator Bishop) this man is recognized this country over as one of the great, if not the greatest insurance commissioner of the United States. How did he win his title? I think Beedle told us how when he said he puts in more hours of service than any man in the service of the state of Wisconsin, from eight o'clock in the morning until eleven and twelve and one and two at night. He has won his distinction by hard honest work, and his work, combined with years, has given the state of Wisconsin in the insurance world possibly the leading part, the leading state in the line of insurance. He did it with your aid and you did it with his aid, and he is entitled—not because the Governor is peeved at some little thing, not because he wants the patronage to build up a machine, that is no reason why this man should be removed from office—he is entitled to a vote of confidence, he is entitled to be sent out of this senate with a clean bill of health, because it was not intended in this law that he should not have political convictions

and political ideas. God help Wisconsin when men of that prominence have no political convictions and when they are afraid to assert them. And I say again, gentlemen, that not only Mr. Ekern, but this great department of insurance, is entitled to a clean bill of health at your hands.

Just now the state of Wisconsin in that department is seeking to build up a great scheme of life insurance. What life insurance company can go ahead if it has become, or if it shall become, simply a pawn in the Governor's, or in any Governor's political game, if it becomes a cog in his political machine? It is the one place where the husband seeks to set aside something for the children and the wife when he passes away, and he does not want to feel that the money he has set aside is simply there in a department that is purely at the hands, and at the beck and will and call of any Governor. I take it, gentlemen—I am interested in life insurance, and I have had enough experience to know you will not write a policy while this matter is pending, nor until this senate shall vindicate not only the insurance commissioner, but shall vindicate the department of insurance and put it back upon the high plane where it belongs.

Not only that, gentlemen, but the people of this state have a right to ask by your findings in this case that the state of Wisconsin shall be vindicated. It is not material here as to who caused it, but it is true, nevertheless, that Wisconsin has taken a leading part among the states of this great nation. I should say that Wisconsin is the leading state in the nation in many respects. I do not care who did it. Good, loyal, progressive democrats did it, and good, loyal, progressive republicans did it. We made it possible, and you made it possible, but Wisconsin stands, like the statute of Liberty, burning the torch, and leading other states in this nation, and now it has gone out broadcast that in your great boasted state of Wisconsin a Governor can, having prepared the order of removal, having prepared the charges, then give a pretended hearing and refuse to hear the testimony, remove your commissioner of insurance, and then, when he acts like a man and holds his place, in your great boasted state, they tell us: "Why, your Governor goes down and, by his order, breaks the glasses, and breaks the doors, and uses poles and crowbars and jimmies, to

oust an officer and to place another officer in his stead." You have a right to say by your finding that the senate of Wisconsin does not sanction such proceeding, and that we will send party litigants in Wisconsin, as they do in other states, send them back to the court, where they may have a decent orderly hearing, and where things may be determined on the merits and not simply by the man who happens to have the most strength in any contest.

Gentlemen, my time is up, and I want again, in behalf of Commissioner Ekern, to thank you for the only opportunity he could ever have to get the evidence and the facts in this case before the people of the state of Wisconsin.

Senator Glenn: I move that the committee of the whole do now rise and report.

The Chairman: Will the senator withhold his motion for just a moment?

The Clerk: There lies on the clerk's desk a report of George E. Beedle, deputy commissioner of insurance in response to the request of Senator Kileen.

"Feb. 6, 1913.

The expense and salary of L. L. Johnson employed as special examiner for this department from August, 1911, to December 11, 1912, is as follows:

Expense including railroad fare, hotel and other expenses	\$ 841.01
Salary or per diem	1224.50

\$ 2065.51

GEO. E. BEEDLE,

Deputy."

The Chairman: I do not think the senator from the 16th wishes to preclude any member of the committee from speaking if he wishes to.

Senator Glenn: No, it is all right.

The Chairman: Does any member of the committee desire to be heard?

Senator Randolph: Do I understand by the senator's motion that now members of the committee shall have no right to speak on this matter?

(to Senator Glenn) Is that the purport of your motion?

Senator Glenn: It is not.

Senator Randolph: Well, why are you ready to report progress or findings without giving members a chance to discuss it?

Senator Glenn: May I answer the senator?

The Chairman: (to Senator Glenn) You have the floor, Senator.

Senator Glenn: There is no intention of that kind whatever. We have heard the evidence; we have heard the attorneys. I feel now, at the present time, we should take a recess, or rise and report at such time as we may designate, that this matter may be considered among ourselves, but have no desire whatever, if any of the senators wish to enter into debate here or discuss the questions, to cut them off, and in that case I will withdraw my motion.

The Chairman: What is the further pleasure of the committee?

Senator H. C. Martin: I do not understand the motion to mean anything more than this, that in the Senator's opinion the committee should rise and report progress to the senate, and then at such time as is thought advisable that we return into a committee of the whole and give the senators a chance to talk this matter over and make a report, because the committee of the whole must either make a report now or meet again and make a report to the senate. The question is: Do we want to go on and finish it now?

Senator Randolph: I think we ought to finish.

Senator H. C. Martin: All right, then.

The Chairman: What is the further pleasure of the committee.

Senator Linley: Mr. Chairman, are remarks in order now?

The Chairman: You have the floor, Senator.

Senator Linley: It seems to me, Mr. Chairman, that the senate owes to itself the duty to make a candid and true statement of the facts that are found here upon this hearing. The evidence is all in. We know what the purport of those facts are, and I think we should go on and say fearlessly what our conclusions are.

Now, it seems to me, as I have heard the evidence, that the commissioner of insurance has been most completely exoner-

ated. In fact, I have been surprised, I have been surprised at the showing that has been made here, not only on his own behalf but by the other side. Now, in saying that I would not be unfair at all to the Governor. There is no need of saying any thing that is unfair. The Governor probably thought that he was right in doing what he did, but he was most certainly wrong, and it seems to me it is our duty to say so. I think myself if the Governor had listened a little more to Mr. Ekern he would not have fallen into the error which he has undoubtedly fallen into.

Now, then, all the way through this proceeding the conduct of Commissioner Ekern shines out resplendent. It doesn't make any difference whether he was wrong or not. It is apparent he was not intentionally wrong. It is plain, upon the Governor's own statement, or from the proceedings that we have here, that he told the Governor if that was the way he looked at it that he would comply with his feelings in the matter, his construction of it. Then what more could be expected of him? Wasn't that a manly, straight forward way of doing, if one was in the wrong, unintentionally so? And it seems to me that in accepting that, as the Governor did, accepting that and requiring of him to close the headquarters, that he practically approved of the conduct of the commissioner.

Now, then, it is very plain—there is no use mincing words here at all—it is very plain here that the cause for removal set out in the affidavit and the order of removal was not the cause of removal at all. That is too plain, because we have got the testimony here of the men who talked with the Governor, and who were friendly to him; Mr. Haugen and others, who say that he said he was going to remove the commissioner and had looked up the qualifications of a successor, and the possibility of a successor, long before that complaint was made, long before there was any headquarters opened, long before the cause assigned in that affidavit and order occurred. So then we have that situation, it was not the real cause at all.

Of course, the technical situation here as to whether the Governor had the right of removal under the facts, probably nobody but the courts could decide, but, to my mind, I cannot

see that there was any cause, any legal cause for removal, or that the right that the Governor had of removal under the statute was complied with. Now, the way I look at it is that the legislature has ordinarily the right of removal. They are primarily the body to look after those matters, and why? Because they come here from the people, from all over the state, and, not only that, but they are equipped with all the means of investigating the facts, and there are a great many of them, like a jury, and they can listen to the evidence and can investigate and come to some righteous decision in the matter. Now, then, the legislature is not always here, and, in order to provide for urgent cases that may arise when the legislature is not here, the Governor is given the right of removal, but it does not seem to me, I think, as the counsel says, it could not be in good faith when the Governor acted within ten minutes of the time this body was coming together, the body that was primarily the body to investigate and act upon this matter. It is a good deal like the case of an agent and a principal. The legislature is the principal and the Governor the agent in this affair. The agent has certain authority to act for his principal when he is away, and some important matter comes up which naturally the principal would like to act upon, and, although the principal has come to town, is in town, and will be in the principal's office in ten minutes, that agent hurries off, hurries off and acts upon that matter and forestalls the action of the principal, merely because he had the technical authority to do it. Now, what would we say of an agent that would do anything of that kind in ordinary business affairs?

Now, when I say that, I do not mean any disrespect of the Governor, because the way he looked at it then, from his point of view, he undoubtedly thought, from rumors, and from his own way looking at it, in his own predelictions, that the thing was not right, so he hurried on with it. I do not think for a minute that the Governor intended to do an unrighteous thing, but I think he was woefully wrong. He was not in a position where he could see the situation in its right light. Consider the Governor's own way of looking at the matter, the fact here, as he said, afraid apparently that the legislature might be organized in some way not to his liking. That is what they say. He took some offense because that came from them.

While he has not said that he had a candidate, nevertheless they said he feared they would organize the legislature not to his liking. Consequently he acted. The very condition he required—now, just consider that, the very condition he required of this commissioner, although this commissioner came up there and yielded to his views, was willing to comply and stay out of any kind of interference, that he might consider an interference, why, he required of him a condition, and what? A condition that might result to the Governor's own personal interest. He required of him a condition that might defeat or endanger the candidacy of one of the candidates for speaker, to go there and close that candidate's headquarters, and maybe defeat that man's candidacy for speaker. Just think of that. Now, that was not hardly as it ought to be, and in fact all the way through here that very condition that required the action within ten minutes of the time of the meeting here of his principal, of the body primarily charged with the duty of such an investigation, and also the proceedings afterwards to install the other incumbent in office, don't show fairness, to say the least, in the action. They show a spirit of haste and a spirit of self-interest, apparently, throughout the entire transaction.

Now, then, it seems to me that we ought to make some findings, and we ought to find, just as I say, that the cause for this removal set out in the affidavit and the order was not the real reason at all for the removal. In the second place, we ought to find that there was no cause for the removal, that is, at least, the cause set out in the affidavit, cause set out in the affidavit and the order were not true. That is all there is to it, they were not true, and we ought to say so.

To my mind, from the evidence here, I have seen few cases of public officers who have so scrupulously tried to keep out of participation in political matters as has been shown herein the case of Commissioner Ekern. Now, merely because a man holds a public office that does not mean altogether that he shut his mouth and not say anything, particularly in a place like Madison, where there is politics in the air all around. That is not required anywhere. That is not the essence.

And there hasn't been anything to show here he has done anything. And look at the letter! They introduced the letter, and look at it. Doesn't that letter show a spirit itself to

keep out of the matter? Although he is written to and asked about it he expresses guardly what he thinks—

Senator Randolph: I desire to ask the senator from the 11th just a question. I think we ought to arrive at some way to carry on the proceedings of this committee of the whole, and I would suggest, Mr. Chairman, to the senator from the 11th, that we will all have a chance to debate this question later on, and I think, to expedite matters, we ought to have the Chair appoint a committee of three senators, a special committee, to draw up these findings and later report to this committee, and then afterwards we could rise.

Senator Linley: The senator is right, there should be some findings prepared. That was very apparent to me, and I was going to suggest that we make findings here on these various facts. That is all there is to it. All that I meant to say was that we ought to have the courage to go to work and make findings of the facts as we know them to be.

Senator H. C. Martin: Unless the senator from the 16th (Senator Glenn) renews his motion, I desire to make it for him, that this committee rise and report progress to the senate, and, in doing that, I want to say this, that so far as I know, no findings have been made by any senator. The senator who has just taken his seat (Senator Linley) has suggested some. If we report progress and go into the committee of the whole again at some time such as we think is convenient, why, he can prepare some findings, other senators can prepare some findings, the Chairman can appoint a committee, if he wants to, to assist him, and then we will have something tangible before us that we can talk about just as long as we want to, and then we will prepare the findings and report to the senate definitely. We haven't prepared beforehand any judgment, yet. We have got to have time to do it, and I think we better rise and report progress, and I make that motion.

Senator Bosshard: I would like to ask the senator if he does not think it advisable to include in his motion the further provision or suggestion of the two senators who have last spoken, that the Chair appoint a special committee to prepare and submit tentative findings for the consideration of the senate and the committee of the whole when they convene.

Senator H. C. Martin: I am willing to submit to that suggestion, but I want it understood that other senators, the sena-

tor at my right here (Senator Kileen), or any of his friends, if he don't happen to be appointed on that committee, may prepare findings and suggest them to the committee of the whole.

Senator Bosshard: Surely.

Senator Randolph: Surely.

Senator Linley: This is a committee. Why not suggest any member of the committee?

Senator H. C. Martin: Any member of the committee can do it. I am willing to accept that suggestion, that the Chair appoint a committee to report what they think we ought to do and, after appointing that committee, that we rise and report progress to the senate. I make that motion.

Senator Randolph: Mr. Chairman, if there is no objection to these motions—we can do anything if no one objects—

The Chairman: The Chair has been under the impression that the committee of the whole is powerless to appoint committees, but he may be in error. I hope so.

Senator Randolph: Well, no one objects.

The Chairman: The motion of the senator from the 17th (Senator H. C. Martin) is, as I understand it, that the Chair appoint a committee to prepare a mode of procedure and report it.

Senator H. C. Martin: And report to the next meeting of the committee of the whole. Perhaps you better put that in just one motion. Put that first, and I will move the other motion to arise and report progress.

The Chairman: And that the committee arise and report progress. Now, if that is included in one motion I would suggest to the senator that we arise before the committee is appointed. I will divide the motion.

Senator H. C. Martin: Mr. Chairman, my suggestion was that the motion be divided, and the chairman of the committee of the whole appoint a committee to report to the committee of the whole when it meets again.

The Chairman: The committee has heard the motion of the gentlemen from the 17th that the Chair appoint a committee. Is the committee ready for the question? Those in favor of the question will say aye, those opposed will say no. The ayes have it and the motion is carried. The senator did not suggest the number.

Senator H. C. Martin: A committee of three will be enough, I think. I want to say that I do not want to be on that committee simply because I made the motion.

Senator Randolph: Mr. Chairman, neither do I want to be on that committee because I suggested it.

The Chairman: The Chair will be glad to receive the declination of any other senators who do not wish to be on it.

Senator Linley: Mr. Chairman, I do not want to be on the committee either, because I was talking in connection with it.

The Chairman: The Chair will appoint the senator from the 10th (Senator Skogmo), 14th (Senator Culbertson) and 32nd (Senator Bosshard).

Senator Culbertson: Mr. Chairman, that district I represent, I don't care to serve on the committee.

The Chairman: You did not decline, senator.

Senator Culbertson: Well, I do decline.

The Chairman: The Chair will appoint the senator from the 11th (Senator Linley) if he will allow the Chair to do so.

Senator Linley: I would rather not, Mr. Chairman.

Senator Randolph: Mr. Chairman, I hope he will accept it.

The Chairman: The Chair will appoint the gentleman from the 13th (Senator Husting). 10th, 13th and 32nd.

The motion now is that the committee rise and report progress.

The motion prevailed.

Lieutenant Governor Morris in the Chair.

The President: The senate will be in order.

Senator Scott: Mr. President, I desire to report that the committee is making progress.

The president: The report will be received.

Further proceedings were thereupon adjourned until 7:30 o'clock P. M., February 6, 1913.

Senate Chamber, Madison, Wisconsin,
February 6, 1913, 7:30 o'clock P. M.

The Senate met.

The President in the Chair.

On motion of Senator Randolph.

The senate resolved itself into a committee of the whole.

Senator Scott in the Chair.

Upon motion of Senator Randolph the committee of the whole became informal, awaiting the report of the special committee.

At 9:50 o'clock P. M.:

The Chairman: What is the pleasure of the committee?

Senator Bosshard: Mr. Chairman, I desire to announce that the special committee appointed by the senate at the afternoon session, the special committee of the committee of the whole, is ready to report at this time.

The Chairman: It will be received.

The Clerk: Report of the committee of the whole:

The committee of the whole of the senate of Wisconsin, by its chairman, hereby makes the following report to the senate:

The senate of the state of Wisconsin on Wednesday, the 5th day of February, A. D. 1913, at 10:30 o'clock A. M., in pursuance of senate resolution No. 8, S., duly adopted at a regular session of the senate on Thursday, January 30th, A. D. 1913, resolved itself into a committee of the whole, for the purpose of making full inquiry into the matters and things set forth in said resolution.

That in pursuance of said resolution and as directed thereby, the chief clerk of the senate, upon the adoption of the same, forthwith gave notice to Francis E. McGovern, governor of Wisconsin, Harry Curran Wilbur, complainant before the governor, Lewis A. Anderson, and Herman L. Ekern, by delivering to each of said persons a true copy of the original resolution No. 8, S., and taking the receipt of each of said persons therefor.

That further, pursuant to said resolution, the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern, were each duly subpoenaed by Charles A. Leicht, sergeant at arms of the senate of Wisconsin, and were commanded by the terms of said subpoena to appear before the senate in committee of the whole on Wednesday, February 5, A. D. 1913, at 10:30 o'clock, A. M., to testify fully in regard to the matters to be inquired into, which said subpoenas were duly and personally served on said named persons and due return made thereon.

That thereafter, from time to time during the course of said inquiry and proceedings, other persons were duly subpoenaed and appeared and testified.

That by the terms of said resolution No. 8, S., the said Francis E. McGovern, governor, Harry Curran Wilbur, complainant, Lewis A. Anderson, and Herman L. Ekern were invited and requested to appear by counsel and to present testimony; that during said proceedings and inquiry the said Herman L. Ekern appeared in person and by his attorneys, John A. Aylward and M. B. Olbrich; that the said Lewis A. Anderson and Harry Curran Wilbur appeared in person pursuant to subpoena; that the said Francis E. McGovern, governor, appeared neither in person nor by attorney; that the said Francis E. McGovern, governor, did, however, transmit to the senate a message in writing refusing and declining to appear at such inquiry or in anywise to participate therein, and refused to obey the subpoena served upon him.

That the said committee of the whole, from time to time thereafter, pursued its inquiry and duly reported progress to the senate.

That the said committee received and took the testimony of all persons produced and sworn before it, and no further witnesses being subpoenaed, offered or produced, and no further evidence having been offered or submitted, and all parties having been fully heard, and the said committee having made a full, complete, impartial and careful investigation and inquiry relating to the matters provided by said resolution No. 8, S., and counsel for said Herman L. Ekern having addressed the committee, and the committee having fully considered all the evidence offered, and being fully and fairly advised in the premises,—the said committee, by its chairman, hereby makes and offers the following findings of fact as established by the clear and uncontradicted evidence;

First: That the charges made and preferred in the affidavit and complaint of Harry Curran Wilbur are untrue and without foundation in fact.

Second: That on Sunday, January 5th, 1913, and before any charges had been preferred or filed against said Herman L. Ekern or any hearing had thereon, Francis E. McGovern, governor of Wisconsin, stated and declared to Nils P. Haugen,

a member of the Wisconsin Tax Commission, that he had determined and it was his purpose to remove said Herman L. Ekern from the office of Commissioner of Insurance.

Third: That the said Francis E. McGovern, governor, on said last named date, consulted and advised with the said Nils P. Haugen, tax commissioner, as to the advisability of appointing Lewis A. Anderson as successor to Herman L. Ekern, Commissioner of Insurance, and inquired as to his fitness and qualifications and his standing among the Norwegians of Wisconsin.

Fourth: That on Tuesday, January 7, 1913, and before any charges had been preferred or filed against said Herman L. Ekern, or any hearing had thereon, the said Francis E. McGovern, governor, F. M. Wilcox, state claim agent, and legal advisor to the governor, and Harry C. Wilbur, executive clerk, counseled and advised with A. F. Belitz, assistant revisor of the Wisconsin statutes, with reference to the power of the governor to remove the said Herman L. Ekern, Commissioner of Insurance, without hearing or trial.

Fifth: That at the request of said Francis E. McGovern, governor, F. M. Wilcox and Harry C. Wilbur, the said A. F. Belitz on the said 7th day of January, 1913, prepared a form of affidavit and complaint for the removal of the said Herman L. Ekern, Commissioner of Insurance, and also prepared a blank form of order for the removal of the said commissioner of insurance, before any hearing had been had on said affidavit.

Sixth: That on Wednesday, January 8, at 10:40 a. m., the said A. F. Belitz, under direction of the said governor, prepared a complete order of removal of said Herman L. Ekern as commissioner of insurance, leaving blank the date and place of signature by the governor, which said last-named order is the identical order of removal thereafter signed by the governor and served on the said Herman L. Ekern, Commissioner of Insurance; and that the said last-named order was prepared and transcribed before the conclusion of the hearing before the governor, hereinafter referred to, for the removal of said Herman L. Ekern, and before the said Herman L. Ekern had testified in his own behalf.

Seventh: That said affidavit and complaint, duly verified by Harry C. Wilbur, executive clerk, together with an order to

show cause why the said Herman L. Ekern should not be removed from the office of commissioner of insurance, was duly served upon the said Herman L. Ekern at 8:50 a. m., January 8, 1913; that is to say, ten minutes before said order to show cause was made returnable.

Eighth: That immediately upon the service of said order to show cause upon him, the said Herman L. Ekern engaged his counsel, John A. Aylward and M. B. Olbrich, by telephone, and was able to reach only a few witnesses whose testimony was necessary to his defense. That thereupon the said Herman L. Ekern, with counsel and witnesses, immediately appeared before the governor.

Ninth: That one half hour was allowed by the governor to the said Herman L. Ekern to consult with his attorneys and witnesses and to prepare an answer to said complaint. That said Herman L. Ekern and counsel moved for postponement of said hearing to some time later in said day, and repeatedly requested further opportunity and time for preparation; but said motion was overruled and said requests repeatedly refused, and the governor directed the hearing to proceed forthwith.

Tenth: That thereupon witnesses for the complaint were sworn and testified, and after the conclusion of such testimony Herman L. Ekern was sworn on his own behalf. That before the examination in chief of the said Herman L. Ekern in his own behalf had been concluded, the governor declared the hearing at an end, and repeatedly declared and insisted that said hearing must and would conclude before twelve o'clock noon of said day.

Eleventh: That at 11:50 A. M., and before the said Herman L. Ekern had concluded his testimony, and such other witnesses of the said Herman L. Ekern, who were then and there present and ready to testify, were permitted to be sworn, the said governor summarily concluded said hearing and announced his finding sustaining said complainant and ordering the removal of the said Herman L. Ekern, Commissioner of Insurance, from office. That thereupon the said governor dated and signed the said order of removal, previously prepared as hereinbefore set forth.

Senator Tomkins: Mr. Chairman, on behalf of the senator from the 21st (Senator Browne) I offer a minority report.

The Chairman: The report will be received.

The Clerk: Minority report offered by Senator Tomkins on behalf of Senator Browne:

To the Honorable, the Senate:

I beg leave to dissent from the majority report of the senate concerning Resolution No. 8, S., for the following reasons: The subject matter of Resolution No. 8, S., seeks to inquire into the following matters, to-wit: "1. The charges made to the governor in the proceeding for the removal of the said Herman L. Ekern as Commissioner of Insurance:

2. The proceedings had before the governor upon said charges and any proceedings or action thereon had subsequent thereto. 3. The fact surrounding the appointment of the said Lewis A. Anderson and the proceedings had thereon and subsequent thereto. 4. All matters relating to any attempt to take possession of said office and to remove said Herman L. Ekern by force or otherwise;" which are matters that the senate has no legal authority to decide; and any attempted decisions or finding made upon the resolution would be void and of no effect. The issues raised by the resolution are embraced in the one paramount question: Who has the title or right to the office of commissioners of insurance, Herman L. Ekern or Lewis A. Anderson? The action of the senate upon the resolution before it cannot affect this one issue one way or the other. The only way this issue: *Who has the right to the office?* can be determined, is by the courts, in the proper proceedings. One proceeding to determine this question has already been brought, and has been duly presented to the court, who now has the matter under advisement. If this action is not sufficient, then the matter can be tested by "quo warranto."

The senate undoubtedly has the right to take testimony concerning the qualifications of Lewis A. Anderson before confirming him; but the pending confirmation of Anderson cannot be made an excuse for an attempt by the senate to go into the broad matters of inquiry contained in Resolution No. 8, S. Nothing the senate may do concerning the confirmation can possibly put Herman L. Ekern in office, if his removal was valid, or displace him, if it was void.

Herman L. Ekern has possession of the office of Commissioner

of Insurance. If he is Commissioner of Insurance, as contended by him, it is certainly illogical for this senate to consider the matter of the confirmation of Lewis A. Anderson. I am therefore in favor of putting over the confirmation of Lewis A. Anderson until it has been decided that he has been legally appointed Commissioner of Insurance. Then all issues pertaining to Anderson's qualifications can be inquired into.

Believing that this proceeding was without authority and an encroachment by one of the three branches of the state government upon the others, to-wit: the legislative, the executive and the courts, and not "an orderly and expeditious course of procedure as defined by our courts", I cannot consistently subscribe to the majority report.

In making this minority report, I do it wholly upon my ideas of the law, and do not express myself one way or the other as to the merits of the controversy between Herman L. Ekern and Lewis A. Anderson, because, as I have stated before, this controversy can be determined by the courts and the courts only.

Respectfully submitted.

Senator Kileen: Mr. Chairman, I have a minority report.

The Clerk: Minority report offered by Senator Kileen:

The question whether at the time of the appointment of Mr. Anderson there was a vacancy in the office of commissioner of insurance, which is substantially the only question which has been considered by this committee, is a judicial question which it is not within the jurisdiction of this committee or of the Senate to determine and as to which no opinion should be expressed, but the matter should be left to determination by the courts.

That even were it within the jurisdiction of the committee of the senate to pass on this judicial question, it should not do so upon the testimony taken before the committee for the reason that there has been no appearance by counsel and not witnesses produced except on behalf of Mr. Ekern. It is also our view that consistently with the dignity of his office and of the respect due from him to the judicial department of the government it would not have been proper for the governor, personally or by counsel, to participate in this hearing; nor in view of the fact that his appointment was before the Senate for confirmation would it have been proper for Mr. Anderson to have

appeared as a litigant before this body even upon its invitation.

We recommend that pending the determination by the courts of the title to the office of the commissioner of insurance consideration of the question of the confirmation of Mr. Anderson be deferred.

Respectfully submitted,

(Signed) E. F. KILEEN.

Senator Bosshard: Mr. President, I move that the majority report, as read, be adopted as the report of the committee of the whole, and thereafter reported to the senate, and that the two minority reports, as read, be rejected.

Senator Kileen: Mr. Chairman, I move that the minority report submitted by myself be substituted for the majority report.

The Chairman: You will hand your motion to the clerk of the senate.

Mr. Kileen: I move that my minority report be substituted for the majority report.

The Chairman: The question is, shall the motion of the senator from the 32nd, as amended by the Senator from the 9th, be adopted. Are you ready for the question?

Senator Husting: Mr. Chairman, I submit that the question is: Shall the motion of the senator from the 21st be amended by the motion of the senator from the 9th, before the adoption of the motion of the senator from the 9th.

The Chairman: The question is upon the amendment as offered by the senator from the 9th, as I understand it. Mr. Clerk, will you give the motion as you understand it?

The Clerk: The question is shall the amendment offered by the senator from the 9th to the motion made by the senator from the 32nd be adopted.

The Chairman: Are you ready for the question?

Senator Kileen: Mr. Chairman, I wanted to say just a few words in reference to the amendment offered.

As I said in my minority report, the proceeding had before the senate was an ex parte proceeding. What I mean by that is that it was a one-sided proceeding. Now, the answer to that, of course, is that the Governor and Mr. Anderson were both

notified and requested to be present by attorneys. This matter before the senate is only a question in reference to the condition of affairs that exists in reference to Ekern's removal. An order has been made by the Governor removing Mr. Ekern. Mr. Ekern continued to remain in office after that order was issued. An attempt was made to remove him from office. The case is now in circuit court for Dane county. An attempt is made on behalf of this senate to make findings of fact in reference to a case that is now in court. It would be beneath the dignity of the Governor of the state of Wisconsin to come in before a body and assist in the trial of an action that was pending in the circuit court for trial, and especially so before a body that had no jurisdiction to try and determine the facts. The question as to whether Mr. Ekern is out or not is purely a question for the court. The findings of fact on behalf of this senate cannot change that question one way or the other, so the trial that was had here was nothing more or less than a mock trial. It certainly would be beneath the dignity of the Governor of Wisconsin to come before the senate and assist in a mock trial where that case was on trial in the court, and it would be an insult to the court.

As a fair example, Mr. Chairman, of that proposition, I would put up this fact: Suppose that a case is being tried in the Circuit Court for Waushara County, the county in which I reside. Suppose that while that case was pending in court the county board of Waushara county should undertake to hear and make findings of fact in reference to the case that was before the court. If the county board should attempt to do that, in my judgment, Mr. Chairman, they would be guilty of a contempt of court, to interfere in the trial of an action that was before the court.

It was said here this afternoon, Mr. Chairman, that the only manner in which Mr. Ekern could bring out the facts in reference to this proceeding was by a proceeding had here. I take issue with the gentleman that made that statement. In a trial of this action in quo warranto proceedings the facts can be gone into and determined in the court, and the only effect that the findings of this senate could possibly have would be a sort of influence upon the court before the court had rendered its judgment, a sort of an influence to be extended out to the

court that is now trying this case, for the purpose of aiding and propping up Mr. Ekern in the trial of his lawsuit. I wouldn't care, Mr. Chairman, if I stood alone in this proceeding. I would file my minority report just the same, because, as an attorney at law, and as an officer of the court, I would not subscribe to a review by the senate of an order made by the Governor. The statutes of the state of Wisconsin conferred on the Governor of this state the authority to pass upon the removal of Mr. Ekern. There is not any authority conferred upon this senate to review the proceeding. There is no authority conferred upon this senate to review the proceeding had by the Governor. That order made by the Governor stands, as a matter of fact, regardless of any proceeding that we may have here, regardless of any findings of fact that we may make.

Now, then, what is the purpose of our findings of fact? To let it be known before the court renders its judgment, so that the matter can be made a matter of public talk before the court passes upon the question. It was said here this afternoon, and I take issue with that fact also, that the question as to Mr. Ekern's standing could not be determined in any way before the court now before whom it is being tried. All of the facts, practically all of the facts that were brought out here in this trial, were brought out in that trial, by affidavit. This gentleman that made the statement here this afternoon was the same man that made the argument before the court, but the statement that he made here and the argument that he made there were two entirely different propositions, two entirely different propositions. Now I say that so far as findings of fact are concerned, by this senate, they amount to nothing unless they do influence the court before whom the action is pending. They cannot have any other benefit or aid Mr. Ekern in any other way. And I said, as I started in, that it was an *exparte* proceeding. Do you think the Governor of Wisconsin would join in that proceeding and assist in trying a case that was pending in court? Do you think that Mr. Anderson would come down and engage in a trial of a proceeding, when his confirmation was before this senate to be heard, and attack the man that was holding office? He could not do it and maintain his dignity. The Governor of Wisconsin could not do it and maintain

his dignity, and I myself offer this resolution for the purpose of fixing my position in this matter, so that it may be made a matter of record.

Senator Bosshard: Mr. President: I regret that my friend, the senator from the 9th, (Senator Kileen) has misconstrued the entire purpose of the proceeding now before the senate. He expounds this proposition as one having the appearance, in his judgment, of a proceeding by this committee to review the action of the Governor, and as a further proceeding calculated, as he says, in the long run to influence or to operate as some guide or beacon to the court which now has this case under consideration, at least the legal phase of it.

I think the senator recalls that when this proposition was first propounded to the senate that there were two underlying propositions upon which this investigation that we have conducted was founded. It is not the intention of those who have presented the majority report here to-night, containing the findings of the majority, to in any wise, by any action of this senate, do anything or take any measure that should in the slightest or least degree be binding or obligatory upon or even suggestive to the court when it comes to pass judgment upon the action now before it. We know that even though we act with that intention, Mr. President, that, as a matter of law and as a matter of good conscience, the court would not receive any suggestion from us, no matter what our action here to-day might be.

But the next order of business that is before the senate as soon as we rise from the committee of the whole is the special order, as set this morning, namely, the confirmation or the non-confirmation of Lewis A. Anderson as commissioner of insurance, and, with that matter before us, Mr. President, this investigation was primarily started for the purpose of furnishing information, and first hand and intelligent information, to every member of this senate so that when the question of this confirmation comes before us in a few minutes, as it will, that there won't be a senator here who cannot pass intelligent judgment upon the merits of whether or not that gentleman should be confirmed to the appointment which has been submitted to us.

Now, there is another question involved here. We will assume, for the sake of argument, that when the court finally

passes judgment upon the controversy now pending in this county, we will assume, I say, that the decision shall be against Mr. Ekern and in favor of Mr. Anderson, or the defendant in this case. And yet, Mr. President, in view of the testimony that has been submitted to this senate in the last day or two, showing, as I am free to say, and as every member here knows the fact to be, that the proceeding in the Governor's office looking toward the removal of Mr. Ekern was nothing more nor less than a simple court-martial—in the language of the majority resolution or findings, no fair or impartial trial was given Mr. Ekern in that proceeding, and the entire proceeding from start to finish was arbitrary, and, in the light of the evidence to which we have listened here, was certainly not conducted nor instituted in good faith. Now, it may be, and I do not pretend to be familiar with the legal questions involved in the controversy, but it may be, as argued by the senator here to-day, that eventually the decision may be against Mr. Ekern, if the court may have no authority or power to review the proceedings or the evidence had in the executive chamber when this pretended hearing was on trial on the 8th day of January. And so I say, should that be the decision of the Circuit Court of this county, then I say this investigation has served a valuable purpose to the senate and the legislature, because, if that be the law, that, upon an arbitrary proceeding such as was instituted in the Governor's office, a member of one of the high commissions in this state, an officer of high rank and dignity, can be removed without being given an opportunity not even approaching in fairness the hearings usually held before a justice of the peace, I say if that be the law, then this investigation will bear good fruit in that it will furnish us information, or furnish us a guide, in enacting legislation in this session that will properly curb the executive in the matter of arbitrary removals.

The question, Mr. President, I am sorry to say has been somewhat confused. Efforts have been made on the part of those opposing the proceeding, and likewise on the part of those now submitting the minority report, to construe this entire proceeding in the nature of, or to give it the aspect of, a review of evidence that should be peculiarly, as they claim, within the province of the court, and the suggestion has been

set out and made here to-night that whatever action we take, unless it be the adoption of either of the two minority reports, that our action in substance will amount to a contempt of court.

The findings that are embodied in the majority report here to-night, Mr. President, scrupulously refrain and abstain from any reference to a conclusion of law. The findings recite at the outset that upon the clear, and uncontradicted and undisputed evidence, as we have listened to it here before the senate, that the following findings are submitted for adoption, in our report, and we then enumerate the fourteen findings of fact that the clerk read a few moments ago, and I will venture to say there is not a senator here to night that can place his finger on one iota of testimony, as we have listened to it, that will in the least degree contradict or dispute or give the lie to, any one of the fourteen findings that are embodied in that report. The testimony taken here and the motive prompting the special committee having in charge the drawing of these resolutions, was to reject and avoid inserting any findings of any kind in these resolutions that were not supported by the clear and uncontradicted testimony. There might have been a dozen more findings inserted in that report, but, because the committee felt that they desired to present nothing to this senate except that which the evidence demonstrated to be an absolute verity in this entire proceeding from start to finish, we have limited the findings to fourteen in number, and I reiterate here that there is not one of the findings or proposals in the majority report which is not fully and clearly and uncontradictedly sustained by the evidence to which we have listened in the last two days.

Now, then, I ask the senators where can there be any harm coming to anyone, where is there the least suggestion resulting from the adoption of this report that could be construed as a contempt of court, much less as an attempt on our part to influence or suggest to the court the outcome of the litigation now before it? We have presented that report, Mr. President, in the best of faith, founded entirely upon the uncontradicted evidence now before the senate, and that evidence, and that report, in case it is adopted, furnishes, as we intended at the beginning of this investigation that it should,

first hand and intelligent information that will enable this senate to pass upon the merits of that confirmation that we will soon be called upon to consider, with fairness, with justice to all parties concerned, and with at least some degree of intelligence and enlightenment, a condition which I feel sorry to say few members of the senate were in while this controversy was merely being aired in the papers and before it came in formal way before the senate, and I say, Mr. President, that these findings of fact, standing, as they do, as verities in the case, committing us to no proposition of law, refraining in the most scrupulous way from including anything in the way of a proposition of law, but merely stating in the most scrupulous form the testimony as presented here, that it ought to be adopted as the majority report and submitted to the senate in regular session for its guidance when it comes to the question which has been set as a special order for this evening.

Senator Husting: I desire to reply to the argument of the senator from the 9th (Senator Kileen) and, in doing so, will endeavor to be as brief as the importance of the matter under consideration will permit.

This is not an action in court. This is a proceeding in the legislature, in the senate, to determine whether or not the senate sees fit to confirm an appointment in a matter properly before the senate. Happily we are not bound around by any prescribed rules, by any particular thing, that is to guide our judgment, except whether under all the circumstances surrounding this matter the appointment of Mr. Anderson should be confirmed.

The matter before the Circuit Court of Dane county does not involve the controversy here at issue. The matter before the Dane county Circuit Court is not a trial of title to the office. It is a trial of the right to the possession of the office, and the decision of the Circuit Court will in no wise be a determination of the merits of that controversy. As I understand, the issue in the Circuit Court is this: Whether or not one holding an office as a defacto officer can be removed by another claiming the right to that office, by force, and the merits of the controversy are in no wise involved, and the action of this senate will in no wise interfere, or preclude, or have any influence of any kind upon the judgment of the Circuit Court. When the Circuit Court of Dane county passes

upon this matter it will determine not who has the title to that office, but it will determine the simple question who has the immediate right to the possession of that office, and that will not end the controversy, because, if the matter of the title of that office is to be determined, it must be determined in an action in the Circuit Court brought for that purpose, namely to try the title to that office, and nothing this senate can do will have any influence upon the determination of this technical question as to who has the title to that office.

Now, then, the criticisms of the senator from the 9th are unfounded. We are not volunteering in this matter. We are confronted with a duty that we are about to perform. It is not of our seeking, but the law provides that this officer appointed by the governor shall be by and with the consent of the senate, by and with the advice and consent of the senate, and it behooves every senator in this body to pass upon the question, as a matter of intelligence, as a matter of conscience. In short it means this, that we are not here merely to consummate something that may be unjust, that may be for the worst interests of the state of Wisconsin, merely because the Governor has shoved it up to us, but we are to determine whether under all the circumstances in this matter the appointment of Mr. Anderson should be confirmed. Now, I am not ready, as a senator of this body, to put a man in office, and oust an officer, by our confirmation, when I believe in my own heart that the officer whose removal is sought is justly entitled to the office, and that he has done nothing which warrants the Governor in removing him. The senate does not sit here merely as an "Amen" body. We are not here to say: "Well and good, whoever you send in here we will take." The law means, the law when it was passed meant that when an officer was appointed by him that he must come before the senate, and, by their advice and consent, be confirmed by this body. Now, that is not a ministerial act. That is not a clerical act. That involves judicial expression as well as everything else.

And that brings us down to the merits of this controversy. If this matter were a matter of doubt, the presumption should be in favor of the validity of the act of the Governor, but, when every bit of testimony that has been brought in here before this senate shows the contrary, we have got a right to

question that, we have got a right to look into it and see whether or not, under the circumstances of this matter, surrounding this case, we should consent to it.

Now, the law provides that the office of insurance commissioner shall be for a term of four years, and when Mr. Ekern was appointed by the Governor he was appointed for a term of four years, which he, as a matter of right, was entitled to hold, until he was regularly removed according to law. Now, the statute, as I understand it, provides that unless the incumbent of an office is guilty of wilful misconduct, or some other provisions that are in the statute, unless he is guilty of such misconduct, his right to that office for four years is just as strong and just as valid as the office of Governor himself. He cannot be removed from that office within the term of four years any more than the Governor can be removed from his office, except by impeachment proceedings, and, as was stated by counsel here, this is in the nature of an impeachment proceeding.

Now, that matter is conceded. It was conceded by the Governor, it as conceded by his counsel. The testimony here shows that after due deliberation Mr. Wilcox and Mr. Belitz, up in the law library, and after conferring with the Governor again and again, came to the conclusion that Mr. Ekern could not be removed without a hearing. That was the Governor's view. How do we know that? Why, because he proceeded upon that theory. By his own action in citing Mr. Ekern before him to answer certain charges he recognized the law that he could not remove Mr. Ekern from office within four years except upon cause shown. And, as Mr. Belitz said, he and Mr. Wilcox both advised the Governor that he would not dare to take that step arbitrarily and remove him, as he does other offices who hold at the pleasure of the Governor, without laying himself open to serious charges, namely, the charge of usurping the powers of his office. Now, in this country we do not bow down to rank or to class. Every citizen of this state or this country stands upon his legal rights, and we are not abashed, or afraid of any office, however exalted, to the extent that the legal incumbent can work legal injustice upon any man without being called to the bar of public opinion, and to the bar of the senate, if you please, to answer for such conduct or

usurpation, and Governor McGovern, or any other governor or officer of this country, cannot usurp powers not placed in him by the laws of the state or nation.

And therefore a hearing was had and he was cited to appear before the Governor, and we have the right to look into the conduct and the fairness of that hearing and see whether or not a hearing in fact and not a hearing, the form of a hearing, was indulged in.

Now, I say that Mr. Ekern could not be removed without a hearing. It must be a hearing upon the merits, and can only be construed to mean that any one cited to show cause before the Governor shall have an opportunity to defend himself against the charges. Otherwise what would a hearing amount to? And so we find in this proceeding that ten minutes to nine of the day when Mr. Ekern was cited before the Governor at nine o'clock, without any knowledge on his part, without counsel, without witnesses, he is brought summarily, ten minutes before the order is returnable, before the bar of the Governor to answer for this alleged offense. He telephones to his counsel, he is able to reach three of his witnesses by telephone, and they hurry over to the Governor's office for the hearing.

And what was the hearing? When Mr. Ekern and his counsel appeared before the Governor they stated an obvious truth. They did not need to tell Governor McGovern, who is an attorney, or, for that matter, any man who has a sense of justice, that ten minutes preparation for a trial is not sufficient for one to defend himself. Now, this was not Justice Court case, this was no assault and battery case, this was no excise case, or a drunk and disorderly case. Here was a servant, an officer of the state government, about to be disgraced, charged with having violated the duties of his office, about to be chased out of the Capitol, not only losing the office which he had a right to hold, but sent out in disgrace so that the people of the state might think he was derelict in his duty and was deserving of dismissal from his office.

Now, it has been said no court, nothing that has any pretense of being any judicial body or tribunal, would compel a man charged with a simple assault and battery, or the defendant in a drunk and disorderly case, to come before it and, on ten minutes notice, defend himself. The laws in Justice Court.

the laws in any other court, give a man a right, as a matter of law, to have a reasonable amount of time to prepare his case. The state, even, in prosecuting a man for a misdemeanor or a felony has got a right to ask for an adjournment to prepare for the case, and subpoena their witnesses, and prepare for trial, but the accused in a matter of this importance not only to Mr. Ekern but to the people of the state, was refused time for the purpose of preparing for his trial and was forced into this hearing. Well, now, that is not all. He was given, after repeated solicitation, a few minutes time in which to prepare his complaint, so that at about ten o'clock he appeared before the Governor to be tried for his official life, and what was the proceeding?

The two witnesses were sworn on the part of the Governor, one of them Mr. Gifford, who testified that Mr. Ekern had nothing to do with the hiring of those headquarters except to telephone over to him to reserve them for Mr. Johnson. The other witness, as I recollect it, was the executive clerk, who, upon being put upon the stand, testified that he had no personal knowledge of the things to which he swore in his complaint, that he had made no attempt to run down the rumors, that he had founded his idea solely upon the gossip he had heard around the building and some alleged admissions Mr. Ekern had made, and then the State rested. And there was the hour of twelve o'clock approaching, the hour in which, if the Governor had any jurisdiction, he would relinquish it into the hands of this body. Here he was, confronted on the one hand with a demand for common, ordinary justice and decency to an officer of the state, and on the other side was the approaching hour of twelve o'clock, when the mailed fist of the Governor would be unclenched and the accused would be brought before the bar of the senate if any charges could be preferred against him, and he then and there stated, the Governor then and there stated, that "This hearing must be concluded at twelve o'clock." Mr. Ekern was then placed upon the stand and they were told to hurry up, told counsel he didn't want to hear anything about it, and, before Mr. Ekern had concluded his testimony, he declared the hearing at an end, and at twenty minutes to twelve o'clock or fifteen minutes to twelve o'clock, he declared Mr. Ekern guilty. Mr.

Ekern had not concluded his evidence. The other two or three witnesses Mr. Ekern had been able to assemble by telephone were present, ready to be sworn and testify in his behalf. One of the men quoted by the executive clerk as to certain remarks he made offered to go upon the stand and deny the statement of the executive clerk. All swept aside. All turned down. And at three or four minutes to twelve o'clock the Governor signed the order of dismissal. Now, was that a hearing? The Governor, by solemn adjudication, dismissed a man from the office without one scintilla of evidence of any kind upon which to base his findings. Not one single thing had been adduced in order to substantiate the charge, and yet he turned down the efforts of Mr. Ekern to finish his testimony, and, by finding of the executive of Wisconsin, he dismissed Mr. Ekern, or attempted to dismiss Mr. Ekern, from his office.

Now, the senator might argue that the Governor was justified in acting as he did but he has not tried to argue it. In fact, in all the minority reports not one word has been said in defense of the Governor. It does the senators credit, it does their sense of justice credit, that they have not attempted to justify the arbitrary action of the Chief Executive of this state, notwithstanding that they took considerable interest in the conduct of the proceedings, we have heard nothing, either by way of the minority report, or by the utterance of any senator upon this floor, to the effect that Governor McGovern did what he ought to have done. Not one word in his defense, not one word said that he properly discharged him, but only that we interfered with the court.

That is not all. The testimony goes to show that no trial was ever contemplated, to show that this pretended trial was a weak attempted evasion of the letter and the spirit of the statute. It was a mere attempt on the part of those interested in this proceeding, not to satisfy their conscience, but to endeavor to satisfy that which, in their mind, they thought was the letter of the law. They cared nothing about the spirit of the law. They thought no doubt, under the advice of counsel, as has been said here, that the courts would not pass upon the weight of evidence by which a governor might dismiss. They thought by a few minutes of testimony taken down that

their right of dismissal became absolute. They might just as well have gotten up before that governor and recited: "Mary had a little lamb" as an accusation against Mr. Ekern, and still they claim he would have been entitled to dismiss Mr. Ekern from office.

Now, that is not all showing that no hearing was intended. We find that one of the officers of the state, Mr. Haugen, tax commissioner of Wisconsin, appeared before Mr. McGovern on his inauguration day, the day before the inauguration day, on Sunday, and the Governor said: "I will have to dismiss Mr. Ekern from office and I have got to look around for a new man." That was before any charges had been preferred against Mr. Ekern. That was before the Governor knew he had engaged any rooms over at the Avenue Hotel. That was before he had any interviews on inauguration day with the assemblymen named here in the testimony, that was before he had one iota of anything in the nature of a violation of the statutes on the part of Mr. Ekern, before he had preferred charges, but he was looking ahead, ready, eager, willing and anxious to dismiss Mr. Ekern from his office, and he told Mr. Haugen: "I am going to dismiss Mr. Ekern from his office and I think Mr. Anderson would be a good man. Don't you think so?" Mr. Haugen said: "Yes", and then Mr. McGovern wanted to know whether he stood well with the Norwegians of Wisconsin.

The preparation of these papers is another incident showing the same thing. The preparation of the complaint, the preparation of the order before the court had passed upon it. Something was well said here that it is customary to prepare these papers, but I never knew of a court yet that three days before the trial announced what he was going to do, two days before the trial prepared the complaint and the day before the trial prepared the dismissal of the officer he was going to discharge upon findings that he knew nothing about, upon evidence that he knew nothing about, but which he was going to, which was going to be sufficient, he imagined, to warrant the removal of Mr. Ekern. It reminds me a good deal of the Justice of the Peace who took the case under advisement for seventy-two hours. He says: "The law gives me that right." He says: "I am going to think over this case, but eventually I shall decide in favor of the plaintiff."

Now, this is the truth of the matter right here. This proceeding was all cut and dried. The settings were all up, and all that was necessary to do was to wait until ten minutes to nine the day when the dismissal was to take place, and force a man to trial for his office and his honor, knowing full well that in two hours and a half, or two hours, nothing could be produced on behalf of Mr. Ekern to disprove the charges, and he hoped that because he was the executive of the state of Wisconsin the courts would not review his judgment on the evidence produced before him, and that he would have a right to dismiss Mr. Ekern. Now, I say, Mr. Chairman, and I do not believe even the senators here who are opposing this will contradict it, that that was not only not a fair trial or a fair hearing, but it was no hearing at all; that Mr. Ekern's doom was foreordained the Sunday before; that the Governor has made up his mind that Mr. Ekern had to go; that he had chosen his successor, and that it didn't make any difference what the testimony would be or what would be done upon the hearing. Mr. Ekern was going to be ousted out of that office.

Now, another thing. The Governor's ultimatum was that if he did not close those rooms, cancel the reservation of the rooms and close the rooms the night he spoke to him he would dismiss him. He asked Mr. Ekern to do something that Mr. Ekern was physically unable to do. It was asked here of one of the witnesses on the stand whether he had not endeavored to ascertain whether or not Mr. Ekern could have closed those rooms if he wanted to. And what is the situation there? Mr. Ekern, for a friend, at this friend's suggestion, reserved these two rooms. Mr. Johnson went into possession of them. He was candidate for speaker. They were about to go into the assembly and vote upon it. Mr. Ekern never entered those rooms. Mr. Ekern never was near those rooms except to take lunch in the Avenue Hotel. He could not have closed those rooms if he wanted to, without the consent of Mr. Johnson, and what right has Governor McGovern to coerce Mr. Johnson into abandoning his candidacy for the speakership in order to punish Mr. Ekern who, he alleged, had control of those rooms? In other words, he was demanding an impossibility of Mr. Ekern, and Mr. Ekern was not able to meet that condition. Another thing showing conditions that were to be lived up to that could not be lived up to.

Now, under those conditions the question is are we going to consummate the act of the Governor which must have been conceived in anger, or in a spirit of malice, or in a spirit of revenge? Is this body of senators going to be made an instrument to deprive a man of his office to gratify another man's unauthorized, unjustifiable spirit of malice, anger, or revenge? I have heard a great deal of the dignity of this body. I have heard a great deal of the Governor's office, and I have heard a great deal of the dignity of the court, but I, for one, do not believe that the dignity of this body should be borrowed to carry out a petty, mean spirit of anger, revenge or malice. We are here to act for the interest of the state of Wisconsin, and I say, for one, Senators, while Mr. Ekern has been in the insurance office he has served the people of Wisconsin faithfully and well, he has done his duty, and not one scintilla of evidence has appeared here which tend to show that the state of Wisconsin would be prejudiced in continuing Mr. Ekern in his office, not one word of misconduct, not one word of neglect or omission of duty, not one word of commission, or anything that would amount to a violation of his oath of office. Not one act charged to Mr. Ekern or claim made that he did not do everything that a commissioner of insurance should do. We heard the testimony that from nine in the morning until one and two the next morning he labored in his office, and the question which presents itself to my mind is whether the state of Wisconsin is going to be benefited by a change in that office and by the removal of Mr. Ekern and the substitution of someone in his place who is a mere pawn or tool to carry out the designs of Governor McGovern. I say it is the duty, as I can see it, of every senator in this body to act for the best interests of Wisconsin, regardless of anybody else's petty spite. It is our duty to determine the question here as to whether or not a good officer, against whom not one word of reproach has been made, either upon the witness stand here or by any senator in this body, whether he is going to be removed, I say, to make place for some one that may be good but who cannot be any better and who we don't know anything about in that line, nor do we know to what he may lend himself by virtue of the favor that has been shown him by Governor McGovern. Insurance legislation now is going to be enacted in this legisla-

ture, and one of the things to be considered by this legislature is whether we are going to promote the passage of that legislation by depriving of his office a man who has given years of his life to the study of that question and installing some one else in his place who has had nothing to do with this matter, whether the state of Wisconsin is going to be benefited by the change, or whether they are going to assume that a man who has proven himself capable in the past will be able and worthy in the future, and I say those are the considerations that will influence my vote here, and, while I do not believe in encroaching upon the prerogatives of the Governor or the Supreme Court, I say they must not encroach upon the prerogatives of this body, and I say the Governor, in his arbitrary way, took away from this body a question which he feared to submit to it and which he feared to submit to a vote, and which he wilfully concluded before this body could get a chance at it, and now, after the act has been consummated, now, after he affixed his hand to a document dismissing Mr. Ekern from the office, he comes here and asks us to confirm the appointment of a man to this office who has not shown himself entitled to the position. In other words, after depriving this body of every opportunity to pass upon the merits of this question, he hides behind the dictum "Courts," and says that his act cannot be questioned here, that it can only be passed upon or reviewed by the Circuit Court, but that we must not and dare not.

I take issue with the senators who claim the contrary, and I say it is a high prerogative of this body to pass upon the merits of the controversy and deliver a verdict in accordance with the evidence.

Senator Kileen: Mr. Chairman, I just want to say a few words in reply.

I am glad my friend, Senator Husting, confined himself to the fact this hearing was only for the purpose of confirming Mr. Anderson's appointment. If that was the purpose of the hearing, in the fourteen findings that were made I do not remember the name of Mr. Anderson being mentioned. I notice that they have fourteen findings, and every one of the findings were concerning the Governor, none were concerning the commissioner. If it was an investigation for the purpose of

confirming Mr. Anderson, they lost sight of the purpose before they got through with the examination, and they never thought of it during the time they were making the findings.

Now, if it is necessary to hold this investigation at this time for the purpose of confirming Mr. Anderson, why was it necessary to hold it just at that time when the case was being tried in court. You can only tell the way the wind blows by the way the straws point. It was not necessary to confirm Mr. Anderson until the matter was settled in court so that we would know whether Mr. Anderson had to be confirmed. Why investigate a man before the necessity for the investigation? Why investigate Mr. Anderson before the court determined whether Mr. Anderson was the commissioner or whether Mr. Ekern was the commissioner? Why not postpone the confirmation of Mr. Anderson until such time as the court had settled the question, and then we might with grace examine Mr. Anderson because then we would know whether we had to confirm him. No. They must proceed with all speed. Now, they didn't really have a steam roller, but it was something a good deal like it, and they proceeded with all speed on the theory that they were investigating Anderson and on the fact that they were trying the Governor. It was not necessary to examine into the fact as to whether Anderson was the commissioner, to investigate whether he was to be confirmed, until we knew whether he was to be confirmed.

He (Senator Husting) says that the question for determination in the Circuit Court is only upon the question of the possession of the office. I agree with the senator that that is the fact, but the same questions must be determined, senator, in determining as to who has the right to the possession of the office as would be determined in the question of the title to the office, practically the same questions are brought out. For instance, if Mr. Ekern is out by virtue of the order of the Governor, he was in that office just as I would be in it, holding possession without right. Now, in order that he be entitled to the possession of the office, he had to have something above a trespasser's right in that office, and that is the question that must be determined by the court; the right to the possession. If he was out by virtue of the Governor's order, he didn't have the right to the possession, so, in determining whether he had

the right to the possession, we must go into the facts, and those are the facts that are being investigated in the Circuit Court to-day.

Now, I thought that it would be with a little more dignity on the part of the senate if we let this proceeding go until the court had renedered its decision and not try to make a series of findings of fact along a line that the court was also obliged to find upon, and why precede the court with those findings? No, it was not necessary, unless you wanted to influence the court.

Now, the argument is made to the effect that Mr. Ekern was only given ten minutes. He (Senator Husting) talks about the manner in which the order was issued. Has the senate the right to say that he has to have twenty minutes? Has the senate the right to say that he must give him a half an hour or an hour, or a day or a week? The senate cannot determine that question now as to whether ten minutes was right, twenty minutes, a day, a month, or a week. We hav'nt any right to determine whether the time was too short. We cannot determine whether the hearing was too short. We cannot determine any question like that in any way so as to have any effect upon Mr. Ekern's right to that office, except as to the effect that I have stated.

The senator said that he must be discharged for cause. And who is to determine that cause? The Governor or the Senate? Suppose the Governor determines that he has cause. Can the Senate reverse that proposition and say that he did not have cause? Is the Governor obliged to come to the senate and make a statement of the facts before he discharges a man, and, if during a vacation of the legislature, is he obliged to wait until the legislature meets and put the facts to the legislature before he discharges the man? Suppose that the man was destroying the records in the office, suppose he was taking money from the public till, would he be obliged to wait and call upon the senate and ask them, or, if he did not do so, would he be subject to grilling findings like we have here to-day?

As I said before, those are only ex parte findings. It is only a one-sided affair.

He said that it was like "Mary had a little lamb," but, can the senate say it was like "Mary had a little dog?" Can the

senate tell him what he must do? No, the executive department of this government is one branch, the legislative department is another. The executive department has its duties to perform and the legislative department has its duties, and when we entered upon this investigation, investigating the Governor and the cause why he discharged the man, we were clearly without jurisdiction, and, as I said before, I would like to be informed of some good reason why this investigation was started at this time, why it was pulled through like it was why it was conducted in the manner that it was, and why those findings were prepared before the court's decision was rendered, and why it was tried in advance of that court decision, and it seems to me, gentlemen of the senate, that the man that goes on record in this proceeding and attaches his name to and approves of this proceeding and these findings is approving of something that he will regret some day, especially if he is a young man. He is doing something not because he thinks it is right. I don't believe that one-third of the senators in this room down in their hearts believe that this proceeding is right but they are being pulled along, they are being carried along on this proceeding, because they think it is the popular side, and that is the reason why, that is the reason why they are conducting this examination, that is the reason they are making those findings; they put it upon the ground they are examining Anderson, but as a matter of fact they are trying the Governor.

Senator Husting: Mr. Chairman, a few words in reply to the senator from the 9th. The senator says that the issues to be tried out in Circuit Court are the same as though the issue was one for the title of this office. That again shows the cunning of those who advised the Governor. It is true that the issues have got to be tried out to a certain extent, but they have got to be tried out upon the record. What record? The record made in the Governor's office. The record that was made up by two witnesses for the Governor, and the partial testimony of one of the witnesses for the defense. It shows the cunning arrangement, in refusing to make a record which would show upon its face that Mr. Ekern was entitled to that office, and they force Mr. Ekern into court on a record such as no court that had any respect for itself would want to go

before an appellate court. The senator says that affidavits were introduced. Where are those affidavits? And where was the opportunity to cross examine the witnesses in that court? The action in the circuit court is tried upon the papers, and not one witness is sworn in that court. They had the meager record of the Governor before it, without the opportunity of Mr. Ekern and his witnesses being heard in his defense.

The senator says that we are not to pass upon whether twenty minutes or ten minutes is enough. It does not require any passing upon it. It is a matter of common knowledge that twenty minutes for the preparation of a defense is nothing. The senator says that the Governor's action cannot be inquired into. It is true that if any semblance of a fair trial had been had in his office, and in his judgment the officer should have been removed, there is no tribunal in Wisconsin, the senate or the circuit court that could have reviewed his judgment of the matter. But there is another question here involved. When there is nothing to substantiate the Governor, when he is usurping his powers of office, acting without authority, and is violating the plain language of the statute, it is a matter that is reviewable, I think, by the circuit court and also by this body.

Now, this committee does not attempt to pass upon the testimony taken before the Governor. They are passing upon the testimony taken before the committee of the whole, and their action is taken upon that testimony, not the testimony taken before the Governor, but another proceeding, which has been full and fair and open to all concerned, and which testimony establishes, I think, without any doubt, that the proceedings of the Governor were without warrant of law and were in plain violation of the statutes.

(The question was called for.)

The Chairman: The question is shall the amendment offered by the senator from the 9th to the motion made by the senator from the 32nd be adopted.

Senator Kileen: Mr. Chairman, I ask unanimous consent for the ayes and noes.

Senator Randolph: Mr. Chairman, I do not object to the ayes and noes. You can call them here until morning. Ask

for a division. There can be no recall except upon an appeal from a decision of the Chair.

The Chairman: The senator from the 15th objects.

Senator Randolph: Well, I won't object.

The Chairman: I think the Chair will rule the motion out of order.

Senator Kileen: I will have to abide by the ruling of the Chair, I suppose.

The Chairman: The question is upon the amendment offered by the senator from the 9th. Those in favor of the amendment will answer aye; those opposed will answer no. The noes have it, and the amendment is lost.

The question now is upon the motion made by the senator from the 32nd. Are you ready for the question?

(The question was called for.)

The Chairman: Those in favor of the motion will answer aye, those opposed no. The ayes have it, and the motion is carried.

Senator Randolph: Mr. Chairman, I move you now that the senate rise and report the report of the committee appointed by the committee of the whole, report the findings.

The Chairman: You have heard the motion of the senator from the 15th. Those in favor of the motion answer aye; those opposed no. The ayes have it, and the committee will rise and report to the senate.

APPENDIX II.

REPORT

OF

LEGISLATIVE VISITING COMMITTEE

1913

REPORT OF LEGISLATIVE VISITING COMMITTEE.

To the Honorable Francis E. McGovern, Governor, and the Honorable Legislature of Wisconsin.

Most Honorable Sirs: Your legislative visiting committee appointed in pursuance to section 562b, chapter 29, of the Wisconsin statutes, for the year 1911, beg leave to submit its report.

After having visited the different charitable and penal institutions, including the Industrial School for Girls at Milwaukee, we find a spirit of co-operation and harmony existing between the Board of Control and the heads and officers of the different institutions, and we also find a similar spirit existing between superintendents and officers. The general efficiency in management in all the institutions visited is highly commendable.

MENDOTA STATE HOSPITAL.

This institution was visited January 29, 1913, and carefully inspected. Everything was found to be in very satisfactory condition. Many of the inmates are given open air exercises at all times of the year. Patients are kept in this institution until they are found to be chronic, when they are transferred to the different county asylums. The patients, in our judgment, were being well cared for, and the general conditions of the hospital as a whole were good. We also examined very carefully the new power house built with the appropriation of \$65,000.00 for that purpose in 1911, and we believe the money well spent. This is also true of the \$25,000.00 appropriation for the new laundry and equipment. This provides not only a laundry, but a very

complete store room in the basement. All the outbuildings were in reasonably good condition, and all stock well taken care of. The institution has a good silo and the cow barn was remodeled last year and patent stalls put in.

The institution has about three hundred and ninety acres of land, about two hundred and thirty-five acres being under cultivation. They have about a hundred cows, and are milking sixty. Most of these are Holsteins, many of them well bred, some being registered. All milk from the cows is used at the institution, there being no butter made. They have a fine lot of Poland China hogs, about one hundred and twenty in number. They raise enough hogs for their own use, and sold last year to the value of about \$2,000.00. In this connection we wish to state that Mr. Cramer, the steward in charge, seems to have everything well in hand and in good condition.

Practically all of the work on the farm is done by inmates of the institution, and also in the erection of buildings, walks, etc.; the inmates render most of the service. Practically all of the manual labor of the institution is done by inmates.

Entertainment is had for the inmates once each week, and for the employes once each month, which results in relieving the monotony and has a good effect on both the inmates and employes.

The committee regards it as of the utmost importance that the appropriation asked for the contagious hospital be granted. The superintendent informed the committee that a year ago this winter the institution had a siege of diphtheria and typhoid fever, and as a result the institution was quarantined for about five months.

The committee suggests that a larger herd of cows be kept for the use of the institution. The farm is a paying proposition.

Repairs were found necessary as follows: Ceiling of the general dining room, replastering of men's ward, repairs and new equipment in bath room for men on first floor.

We recommend that the ice plant be moved from its present location and remodeled.

The committee was very favorably impressed with the work and result obtained by the training school for nurses in the hospital.

Needs of the Institution.

Contagious hospital for 40 patients.....	\$40,000 00
Nurses' home for 40 persons.....	30,000 00
Laboratory, morgue and equipment.....	3,000 00
Two new cottages for assistant physicians....	6,000 00

SCHOOL FOR BLIND—JANESVILLE.

Your committee visited the School for the Blind on January 30, 1913, and found the main buildings in need of a great many repairs. The buildings were found as clean and sanitary as the conditions would permit. The ventilation is poor, and in many instances the plumbing in the lavatories and the toilet rooms needed repairs. The outbuildings were found in good condition and well kept. The institution has two large spiral fire escapes, which are reported to operate satisfactorily. The pupils are well trained in their use, but otherwise the fire protection is inadequate. The power plant was found in fairly good condition. The institution has eighteen cows, which furnish plenty of milk for the inmates, and they have sixty-six acres of land, about eighteen of which are under cultivation.

The employe and teaching force were found adequate. The pupils are well cared for and the teaching is good. Most of the help sleep in the basement, and this was found to be quite dark and damp. This basement has very poor ventilation. The dining and dish-washing room is very inadequate. Most of the work done here is by hired help.

The institution has an especially fine orchestra, and the chorus singing is excellent, considering the conditions under which the pupils are taught. The pupils have good instruction and do good work along mechanical lines, especially in relation to repairing and tuning pianos and raffia work. The older pupils were found to be expert at point reading and in the use of the typewriter.

The committee's attention was called by a number of the older boys in the institution to the fact that they were criticised for smoking and that the boys objected to this because the in-

structor making the criticism smoked cigarettes himself; that they detected this from the instructor's breath. The boys took exception to this, claiming the instructor ought to practice what he preached. We call the attention of the Board of Control to this matter.

Needs of the Institution.

1. New dining room. An appropriation of \$16,000.00 for this was made two years ago, and not used, being an inadequate amount for the purpose, and with the present appropriation of \$8,000.00 asked for will construct the building.
2. Some better provision for fire protection.
3. New equipment in the domestic science kitchen, new stove and other accessories.
4. Better ice box arrangement, and provide for better toilet rooms.
5. Play ground equipment.
6. Cottage for children, \$30,000.00.

HOME FOR THE FEEBLE MINDED—CHIPPEWA FALLS.

At the home for Feeble-Minded, at Chippewa Falls, visited on February 4, 1913, we found the buildings in good general repair outside and in, and all well and cleanly kept and provided with good ventilation in most cases. The general class of construction of buildings was noticeably better than the average of other state institutions visited.

There are seventeen main buildings and quite a number of smaller ones aside from barns and other farm buildings. The barns we found in good repair and stock well housed and well kept.

The number of cattle on the farm is as follows:

Milch cows	92
Young stock	66
Bulls	3
<hr/>	
Total	161

The quantity of milk produced is about one thousand pounds daily, which supplies them with sufficient milk and nearly butter enough for consumption in the institution. Thirty head of pigs are kept in small shacks in the open yard. The number found was small on account of hog cholera the previous year.

The institution has a hundred and sixty employes on the pay-roll, and one thousand and twenty inmates. Over one-half of the inmates are female, and upwards of three hundred are affected more or less with epilepsy, which causes still further degeneration mentally and physically. The male and female inmates are well segregated, as are also the moral degenerates from the mentally feeble.

Taking into consideration the mental and physical condition of these inmates, the subject of sterilization is one which would merit the serious consideration of the legislature as a matter of legislation. Like begets like, and to prevent the increase in our state of the propagation of the mentally feeble, a sterilization law seems to be advisable in cases of this class, subject to rigid and proper regulation.

Good attendants were found to be employed, and the inmates that are capable are employed in mechanical work of various kinds, and given school advantages, as well as exercise indoor and out. The land is worked principally by the inmates. The superintendent, Dr. Wilmarth, is in thorough sympathy with the work and in touch with every detail of the institution.

The institution is practically filled to the limit, and as paroles are not advisable in most cases, more room will be needed in the near future.

The total income of this institution in 1911 was \$103,522, and in 1912, \$105,682. Counties pay \$1.50 per inmate per week committed by them (increased to \$1.75 by the present legislature, which will increase revenues somewhat).

We find that the buildings erected under the appropriation of two years ago were built in a good, first-class, substantial manner, and the money was well spent.

It is the sense of the committee that the salary of the superintendent, \$2,500, might judiciously be somewhat increased.

Needs of the Institution.

- | | |
|--|-------------|
| 1. School house | \$30,000 00 |
| 2. Assistant physician's cottage | 3,000 00 |

STATE PUBLIC SCHOOL—SPARTA.

The State Public School, visited on February 6, 1913, was found in as neat and clean condition as the buildings would permit, and the institution seemed to be well managed. The main building for employes is very badly in need of repairs on the interior, and the furniture also is in a rather dilapidated condition. The power house and laundry were found in poor shape, especially in the interior. The engine room and machinery are apparently in good condition. An electric generator, small unit, is needed to carry the day load.

The toilet in the power house is in an unsanitary condition. It is suggested that a new toilet and bath room for men be installed.

The new dormitory and annex buildings were severely criticised in their construction by the committee.

The two new cottages built in 1909 and 1910, one of them being occupied for the first time this winter, being used as a home for the crippled children, the other being unoccupied, in the judgment of the committee were not properly constructed and are in very bad shape, and a liberal appropriation should be made to put these two buildings in condition for occupancy and for wear.

Cottages A, C and E are in need of shingling, and asbestos shingles were suggested at an approximate cost of \$1,800.

A balcony for the main building is asked.

Fences were poor and it was thought that an appropriation of about \$400.00 would be needed to put them in good condition.

Much painting and interior repairs seem to be necessary in all old buildings. In many places the plastering was loose and falling off and many of the rooms were badly in need of paint and paper. Tile floors for the toilet rooms are needed.

There are 132 children now at the institution; twenty-eight are in the baby cottage; there are nine crippled children, and three are in the hospital.

There are fifty-two employes on the pay-roll. The superintendent claims that they should have one more agent to look after the placing of children. Agents already in their employ made 1,200 visits last year and investigated 269 applications for children. 3,100 children have passed through the institution during its lifetime.

The tunnel that has been built for conducting pipes and wires should be connected up by extensions to the buildings.

It will also be necessary to construct a bridge across the creek on the farm, which will probably cost \$1,000.

They have twenty milch cows, nineteen head of young cattle, and seven horses on the farm, and enough hay is raised to feed the stock. Just previous to this time, 4,400 pounds of pork sold for \$312, and they have sixty-two head of swine on hand. The net receipts from the farm last year were \$1,975.88.

We would suggest that telephone connection be made between the buildings, and in buildings that now have soft wood floors, these should be replaced by hardwood. Twenty-four per cent of the children received are said to be illegitimate; five and one-half per cent received on account of poverty.

On account of the present buildings being in such bad condition and some of them unoccupied, in the judgment of the committee, there should be no more new buildings built at this institution until the present buildings are put in good first-class condition.

Needs of the Institution.

Tunnels and extensions	\$1,000
Electrical unit and motor	1,500
Playground apparatus	1,200
Machine shop	400
Laundry machinery	1,000
Bridge	600

Maintenance of children, whatever investigation of Board of Control may disclose.

SCHOOL FOR THE DEAF—DELAN.

Upon visiting the Delavan institution for the deaf on February 10, 1913, the committee found Superintendent Walker in charge. He conducted the committee through the various buildings and departments. The buildings were found in a very good general condition, clean and sanitary. However, in some of the buildings the walls are in need of paint and minor repairs. The barn buildings, a design by the students, shows to a remarkable degree the good results of teaching carpentry to the boys. The students were doing good work in various departments where trades are taught.

The printing shop was well conducted under the supervision of Mr. Larson, and copies of the weekly paper printed there were distributed to the committee. Much of the job printing of other state institutions might be done here to good advantage. The superintendent suggested that a linotype machine would be of great value in the education of the boys in this line of work, as operators on such machines are in great demand and receive high wages.

Shoemaking and cobbling are taught as trades, and some excellent work by students was shown. The manual training department is giving good satisfaction in training boys to be useful with their hands in various ways that will help them very much in their future work as self-supporting citizens. The girls are taught different kinds of sewing, both plain and fancy, and many fine specimens of their work were exhibited. Several classes in school work were visited and the students appeared very bright and well advanced for their age. Lip reading and speaking are taught to all students, as well as the old method with the fingers. One class in oral arithmetic was especially worthy of notice. Students are quick to respond, and all seemed to be enthusiastic, each taking an active part in the work of the class.

The superintendent made a very earnest appeal to the committee for pictures for the walls, stating that good pictures of merit were to the deaf pupil what music is to the blind, for they use their sense of sight for self-education in various ways to take the place of their lost sense of hearing. The lack of such pictures as described as urgently needed was surely noticeable, and the reasoning of the superintendent along this line appealed to the committee's judgment as being well founded.

Another request that seems to be a reasonable one was for a gas plant and fixtures for cooking to take the place of the old and soon to be discarded stoves. It was thought that such a system would be an excellent one to instal for economy and comfort, for the heat of stoves in the summer in the basement is almost intolerable.

The dining room floor was called to our attention, which being made of porous tile will not retain paint, and is very difficult to keep in a clean and sanitary condition, giving off an unwholesome odor.

Truck farming is taught and conducted with much benefit. Eighteen head of cattle are kept, nine of which are milch cows. There are seventeen head of swine.

We consider Professor Walker a very efficient man for this place and that he is doing most excellent work for the pupils.

Needs of the Institution.

Linotype machine for printing office.....	\$5,000
Gas plant for cooking.....	1,500
Tile floor for dining room.....	800
Educational pictures.....	200

INDUSTRIAL SCHOOL FOR BOYS—WAUKESHA.

The committee visited the Industrial School at Waukesha on February 11, 1913. The buildings and grounds all were found in fairly good condition. Some of the older buildings are in need of repairs, the brick and stone work being damaged by the elements; gutters, down spouts, chimneys, and roofs all need repairs.

Buildings for the younger boys are being built at the east end of the grounds for their segregation from the older ones. This we consider to be of great importance, and Superintendent Hutton should receive due credit for inaugurating this needed change. The older boys are a dangerous source of moral contamination to the younger ones. In the institution they should live entirely separate at all times from the older ones to prevent their learning the vicious habits of the many moral degenerates that come from Milwaukee and other cities. The older boys are kept in families of thirty or forty each with a matron to manage them, and they are thus given something of a home life. Of the three new buildings the one for family use is completed and needs but to be furnished for occupancy. The other family home will be finished by August 1st and the school building completed ready for use May 1st.

The principal industries taught here are farming, tailoring, shoe making, manual training, and various useful industries.

Of the 450 acres of farm land considerably over one-half is tilled, and the boys are thus trained in this kind of work. About eighty head of cattle are on hand, of which forty-five are

milch cows. The superintendent desires to make more of a special feature of dairying and in this way teach the boys more of this important branch of farming. Two more silos are needed to supply the increased demand for feed for cattle.

The printing plant is practically idle at this time for the want of a head printer. Superintendent Hutton has applied to the civil service commission for a printer from their list, but it seems they have none at present to offer. Such help seems to be very hard to obtain. We would suggest that much more of the job printing for the other state institutions could be cheaply and promptly done at the Waukesha school, which work would be a benefit both to the state and in an educational way to the boys employed. Printers are now in great demand and can get good wages.

School instruction is given each day, and pupils appear to be fairly well advanced for their age and class and are doing good work. The discipline is good, and the teachers are apparently quite efficient.

The boys are paroled when deemed advisable and when good homes may be secured for their best welfare. The average detention in the school is less than three years. There are now 383 inmates enrolled.

The buildings are cleanly kept and sanitary, and most of this work is done by the boys, and they are thus encouraged in habits of cleanliness. The superintendent is painstaking and fully in sympathy with the work, and with his able corps of assistants we feel that this institution is especially well managed.

Needs of the Institution.

Ice plant,	\$5,000
Green house,	2,000
Remodeling horse barn,	1,000
Cisterns,	1,000
Two silos	1,000
Equipment of creamery,	500
Remodeling blacksmith shop and paint shop.....	1,500
Superintendent's cottage,	6,000

WALES TUBERCULOSIS SANITARIUM.

The inspection of the sanatorium at Wales was made on the afternoon of February 11, 1913. All buildings being new, they look exceptionally clean and sanitary, and patients appear to be well cared for and well satisfied with their treatment. There are at this time 164 patients, which is nearly a full quota, as the institution at present is made for the accommodation of only 168 people. The two-story shack just completed is in our judgment the proper method of construction for this class of institutions. The cost of building is much less for the number of patients accommodated, the capacity being double that of the former one-story style of construction. The drainage is most excellent, but the disposal part of the system needs to be enlarged in the near future. The construction of the power house coal shed was so poorly designed that we wondered how it could have been made any more inconvenient for the proper and economical handling of coal. Pocahontas coal is used at a cost of \$4.31 per ton laid down at the plant. The distance of something like three miles from the railroad makes the hauling of coal an extra expense of about seventy cents per ton. The artesian well is now being drilled to a greater depth for a more liberal supply of water.

The physician and superintendent has the work well in hand and reports that so far the number of cures is about twenty per cent, the number of diseases arrested twenty-five per cent, while another thirty per cent are benefited by the treatment. The patients all dined in one room and appeared cheerful and well satisfied with the quantity and quality of food, which is of the very best for the treatment of these cases. Fresh beef, eggs, fruit, and milk are used in abundance, with numerous of other kinds of food to make the requisite variety.

Although this kind of treatment is comparatively recent, we believe that the state may well afford to make liberal appropriations for such treatment and care of tuberculosis, not only for the direct results, but for the education in methods of treatment that this system affords and which is transmitted to all parts of the state by means of discharged patients. It is to be regretted that the state has not yet placed at the disposal of its citizens a greater capacity in similar institutions for the present urgent needs.

Needs of the Institution.

Women's cottage and equipment.....	\$8,000
Addition to infirmary.....	10,000
Addition to dining room.....	3,000
Alteration of employees' dining room.....	1,500
Men's dormitory and equipment.....	8,000
Equipment of bakery.....	1,500
Enlarging refrigerator plant	4,000
Land.....	1,200
Increase of sewerage plant.....	800
Completion of coal shed equipment.....	800
Warehouse.....	2,500
New boilers	3,000
Nurses' home	8,000
Landscape.....	8,000

STATE PRISON—WAUPUN.

The State Prison at Waupun was visited February 13th and 14th, 1913. The warden and officers aided the committee in every way in making as full an inspection as the time would permit. We found at this date 737 inmates, 713 males and 24 females. Quite a number of criminal insane will be transferred to the new institution when it is completed. The discipline maintained is excellent and adequate, yet the old cruel and inhuman methods with offenders have been abandoned.

All persons who are physically able are employed at some kind of labor. Seventy-six men are employed in the binder twine plant, four hundred and sixty-five in the knitting factory, fifty in the tailor shop, and the balance are distributed about the institution in kitchen, laundry, hospital, farm and other places where necessary. It is noticeable how quickly the convicts become expert in their work, and the different stages of work allow for proper distribution of workmen according to their ability to become expert.

The hospital is clean and sanitary and contains some half dozen in the sick ward and about a like number in the consumptive ward. An open air shack is maintained for tubercular patients. The men's laundry is in very poor condition, especially floors

and ceilings, and needs immediate attention for rebuilding or repairs. A new clothes wringer and other equipment should be installed. In the women's department there are many needed changes and repairs advised by the committee in relation to kitchen, dining room, and hospital, accommodations.

The old cell houses are exceedingly bad and unsanitary, have defective and leaky plumbing, and are altogether unfit for human habitation. The new store building and tailor shop, nearly completed, is a credit to the institution. The new cell wing for men is modern and up-to-date in sanitation and equipment and is a highly commendable piece of work except in outside construction, which is of brick and already shows signs of disintegration. We condemn the further use of this quality of brick in such construction at Waupun, and would advise as a better material stone to correspond with the old main building or concrete. This matter appealed to the committee very strongly. The power plant is in excellent condition and is well and economically managed.

The new concrete wall is a model of cheap and efficient construction. About 700 feet of new tunnel is considered necessary and is advised to be about seven feet wide, seven feet deep, and to be made of concrete, to give plenty of space for conducting all steam and water pipes, electric wires, etc. This can be built at approximately \$4.00 per running foot. A new warehouse is needed for storing sisal and twine, first, to avoid any possibility of fire disaster, and second, to give room for a duplicate binding twine unit plant should such be deemed advisable. The new building for the criminal insane was inspected and is about completed, and we believe to be one of the best constructed buildings of any of the state institutions.

The farm contains 370 acres. There are seventeen horses, sixty head of cattle, of which thirty are milch cows, and one hundred head of swine. The buildings at the farm were badly in need of repair and a good deal of it seemed to be entirely uncalled for as they have plenty of help to keep these minor repairs up in better shape, and while there was plenty of shed room for machinery there was considerable of it scattered around, which in the judgment of the committee is entirely uncalled for, and the same applies to painting of the farm buildings, as the expense would be practically nothing for labor. We advise

the reconstruction of the present old horse barn over to a place adjacent to the other farm buildings. Much of the lumber in this barn is good and can be profitably used. Fences need repairs; barns and outbuildings need painting. The warden advises the committee that more land could be used to advantage and much of the present land should be drained. The farm lighting plant is inadequate and out of date; the board of control should devise a new system.

The knitting factory, employing 465 men, is the main industry. The men receive sixty-five cents per day, and in many cases under the present system are able to earn extra pay by doing more than their allotted task, some earning in this manner from \$7.00 to \$14.00 per month extra, which in many cases is sent to the needy family of the convict. This class of work appears to be well adapted to convict labor. The price of sixty-five cents per day appears to be somewhat below the earning capacity of the men.

The binder twine plant, so far as we could judge, is a marked success, and we believe the satisfactory marketing of the product is all that remains to confirm this opinion. About seventy-six men are employed and turn out 11,000 pounds of twine daily. Sisal is the only material used and one kind of twine is made. This appears to be of good quality and strength, on test breaking at from 75 to 95 pounds, the minimum required being 45 pounds.

The evening school for prisoners is a very commendable feature of the institution, and we were surprised at the gross ignorance of a large number of the convicts. The library and distribution of reading matter is admirable.

We believe the warden to be efficient and conscientious in his duties, and humane in his treatment, yet having due regard for the necessary and proper discipline. The feeling between officers and warden and between officers and inmates appears to be good, as no complaints were filed with the committee. The food, though not of great variety, is wholesome and of sufficient quantity, there being no complaint in this respect from the prisoners.

A very complete system of reports and records is kept. Photos and descriptions of all convicts, Bertillion measurements, and finger prints are kept on file.

We believe the institution to be well managed, and recommend the following as their most urgent needs:

Additional appropriation, new cell house.....	\$50,000
Warehouse for twine plant.....	20,000
Machinery for machine shop.....	1,000
New tunnel	12,000
Reconstruction of old barn.....	2,500
Tile drain	500
Hog house	500
Ice house	1,500

GREEN BAY REFORMATORY.

The reformatory was visited by the committee on February 18, 1913, and a general inspection was made of the grounds and buildings. The sanitary conditions are good throughout the institution. The old high board fence surrounding the buildings is inadequate and should be replaced by a suitable stone or concrete wall. The general condition of the buildings is good except for some needed repairs on gutters and conductor pipes, and on some of the buildings on the brick work, which below the cornice has disintegrated from weather conditions and the elements, and also from faulty construction. We advise that more care should be taken in regard to these defects in the future both as to workmanship and as to material, in the construction of all state buildings made of brick. The new central building nearing completion is a fine piece of work and commands especial attention and commendation as it was built almost entirely by inmate labor. The interior concrete stairway made by the boys is an especially fine piece of architecture. The large dining room and newly equipped kitchen in this building are worthy of notice. The new maple floor in the large assembly room was a partial failure, and much of it must be relaid.

The principal industries are farming, brick making, broom making and manufacturing of overalls. The latter is the principal industry at present. The average net earnings in this department is forty-one cents per man per day. We consider that a better disposition of this labor could be made by manufacturing clothing for the inmates of the other various state and county institutions. The brick making department is in

need of a new brick machine estimated to cost \$3,000. Cement fence posts are also made at a cost of twelve cents each.

The total income from the farm for 1912 was \$12,487.35. One hundred and fifteen acres of the farm land are tillable, but in certain portions of this land tiling should be done. More land should be purchased and could be made a profitable investment. The total number of cows kept is fifty, of which they are milking thirty-five. In 1912, 227,320 pounds of milk were produced. The engine and boiler houses, also machine shops, are in good condition. The coal used here is furnished at a cost of \$2.55 per ton.

The discipline is excellent. The officers are well drilled and attentive to their duties. The superintendent seems well versed in all the details of the institution and enthusiastic in his work. There are today 249 inmates, and the average term served in the institution is one year and seven months. Many paroles are granted for good behavior. We would recommend a law forbidding the sale of liquor to paroled men. Nearly all cases of recommitment are attributed to use of alcoholic drinks. The food furnished appears to be very good in variety and quality and quite sufficient in quantity. Inmates are given about two hours school instruction each day, which is one of the best features here, as the great majority of the young men are too ignorant to hold jobs, and this, with liquor, makes it easy to drift into crime.

Needs of the Institution.

New wall around the buildings,	\$25,000
Brick machine	3,000
Tiling and fencing,	3,000
Library,	1,000

NORTHERN HOSPITAL FOR THE INSANE—OSHKOSH.

The hospital was visited February 19, 1913, by the committee. The management of this institution in all respects made a favorable impression. All buildings are well kept and in good sanitary condition. The farm is an important feature. It appears to be exceptionally well managed, but as some of the land is low, a small but needed expenditure for tile drainage would be a great benefit and would increase the production to a large de-

gree. It was suggested that more young work horses should be obtained for the coming work this spring. Special care is exercised in selecting and testing seed corn and other grains, and enough is saved so that much of it is sold to outside parties at a good price.

There are eighty-seven head of cattle all told, forty-eight milch cows and two bulls, and of this number twenty-nine are registered Holsteins. Enough milk is produced for home consumption, but butter is purchased. The old silo is practically worn out and two new silos are asked for and recommended.

Ducks, geese, turkeys and chickens are raised in large numbers; there are eighteen hundred chickens now on hand. The swine at the present time number one hundred and twenty-five, mostly all Poland China and Duroc breed, and all in good condition. The barns are somewhat scattered and the work would be much easier and more convenient if the outbuildings were properly grouped together.

In the kitchen some new equipment is advised, especially a modern bread mixer, for they now use an old concrete mixer for that purpose. The laundry was found to be well managed, but new mangle and new body ironer are considered necessary.

The inmates are well cared for and well treated and managed. They are placed in departments according to mental and physical condition and advanced to other departments as their condition improves. Lastly the ward is reached from which they are discharged as cured. A psychopathic hospital for the treatment of acute and more easily curable cases is needed, as are also contagious wards in time of emergency. The continuous bath treatment is used here for disturbed cases with marked success, as it is also used at Mendota.

There are five hundred and ninety-three inmates at the present time, of which three hundred and eighty-three are male and two hundred and ten female. We especially commend the superintendent and assistants for efficiency, and also the steward, who is especially well posted in every department. The bill of fare of the inmates is good and fully up to the average of other similar state institutions visited.

In looking over the appropriation made for the women's dormitory for nurses at this institution the committee wishes to state that this is the best built building that we have found on

our inspection tour, being strictly first-class in every respect, and a credit to who ever had the building of it in charge.

Needs of the Institution.

1. Psychopathic hospital,	\$75,000
2. One silo,	500
3. Superintendent's residence,	6,000
4. Tile drainage,	1,000

INDUSTRIAL SCHOOL FOR GIRLS—MILWAUKEE.

At the request of the State Board of Control your committee on March 7, 1913, visited the Industrial School for Girls at Milwaukee. We were received by the matron and several members of the board of trustees, which is made up of resident ladies of Milwaukee who serve in this capacity without pay. They extended the committee every courtesy in helping us make a thorough inspection of the buildings and grounds. In our judgment the institution is well managed and efficient discipline is maintained. Different school classes were visited and inspected while at their work, and the students appeared to show efficiency equal to that of students in ordinary schools. In sewing, dress-making, and domestic science the students made a very creditable showing and appeared much interested in this kind of work.

The report of the trustees and superintendent in relation to paroling inmates seems to be a satisfactory one in that homes are carefully selected for them and their future surroundings safeguarded as much as possible. The average attendance in this school is a little less than three years.

It is the opinion of the committee that this school which appears to be so well managed, should for the present at least, retain the present system of management by the voluntary board of trustees made up of the fifteen ladies serving without pay rather than the state should take over the institution and place it under the management of the state board of control.

Your committee further reports that a good and substantial class of food products is being furnished to the institutions.

We believe that several of the institutions could use additional farm land to advantage to the state, and we recommend that some provision be made whereby purchases of land can be made.

without designating the particular institution, and that a liberal appropriation should be set aside for this purpose.

We believe that all future appropriations should be used for the specific purpose for which they are appropriated. To that end we recommend that a contingent fund be created for the use of the Board of Control to take care of emergencies that are always arising in the different institutions. And further to such end that in the event of a surplus left over from any specific appropriation it shall be turned in and made a part of the contingent fund. In this way we feel that all appropriations could be accounted for in a much better way.

In the judgment of your committee the purchase of supplies and materials for the state institutions is being done in as efficient and economical a manner as could be expected under the present system. We believe, however, that the purchasing of materials and supplies for the charitable and penal institutions should be centralized in one purchasing department or agent in conjunction with the Board of Control. There is every reason to believe that such a plan through quantity buying and standardization of grades and classes would result in a large financial saving to the state.

The question of contract labor in our penal institutions is one that might be deemed a subject for investigation and careful consideration as to the advisability of continuing or of changing the present system.

Respectfully submitted,

H. A. HUBER,

Chairman;

G. E. HOYT,

S. C. GOFF,

Secretary;

A. R. POTTS,

MARTIN GORECKI,

E. J. KNEEN,

Legislative Visiting Committee.

April 21, 1913.

Senator Hoyt dissenting only as to the control of the Industrial School for Girls.

APPENDIX III.

Report of Tax Commission on the Revenues and Expenditures Incident to the Income Tax as called for by Joint Resolu- tion 59, A.

Report of Tax Commission on the Revenues and Expenditures Incident to the Income Tax

To the Honorable, the Senate and Assembly of the State of Wisconsin.

Pursuant to Joint Resolution, 59, A., there is submitted herewith a report showing: first, the revenues thus far derived from the collection of income taxes, so far as an estimate can be made of such revenues at the present time, and second, a statement of the expenditures incurred and paid in the administration of the income tax and related matters during the calendar years 1911 and 1912.

SUMMARY OF RESULTS.

Income tax to the amount of \$3,472,880.65 was assessed for 1912. Of this \$1,432,700.00 is estimated to have been offset by personal property tax receipts, \$411,862.94 to remain due and collectible on delinquent rolls, and \$1,628,317.71 has actually been paid into the treasuries, local, county and state. Of the \$1,628,317.71, 70 per cent or \$1,139,822.16 has been retained by the local districts, 20 per cent or \$325,663.70 by the several counties, and 10 per cent or \$162,831.85 has been paid or is due to the state treasury.

The expense of the income tax and of the work of supervising the administration of the property tax through assessors of incomes for the two years has amounted to \$94,832.20. Of this amount \$10,687.37 has been incurred directly by the main office, \$14,711.78 has been expended for printing, postage and supplies both by the main office and for the assessors of incomes, all of this being ordered by and through the main office. A direct expense of \$69,433.05 has been incurred on account of the local offices of assessors of incomes.

SECTION 1. THE REVENUES.

The income tax collections were to have been paid to the state treasury on or about April 1. At the present time several coun-

ties are delinquent in making these final payments and in Winnebago county the actual amount due the state is not known. The figures given are, however, within \$200 or \$300 of the correct amount.

Exhibit I is a statement of the exact status of the collection of the income tax as of April 1 in twenty-five counties including Milwaukee, for which complete and satisfactory returns are now on file. An estimated statement of the revenues in which the cash items are nearly correct is contained in the second portion of this exhibit.

Exhibit I

RESULTS OF INCOME TAX COLLECTIONS: DETAILED STATEMENT FOR TWENTY-FIVE COUNTIES INCLUDING MILWAUKEE.

Tax Extended			\$1,976,305.68
Penalties on Late Payments			235.07
Total			<u>\$1,976,540.75</u>
Offsets	Pers. Property		\$844,861.62
	Cash 70%	\$656,455.38	
	Cash 30%	281,338.19	
			<u>937,793.57</u>
Delinquent Roll		193,885.56	<u>\$1,976,540.75</u>

ESTIMATED RESULTS OF INCOME TAX COLLECTIONS IN ALL COUNTIES—CASH ESTIMATED IN WINNEBAGO COUNTY.

Tax Extended (Est.)			\$3,472,476.62
Penalties (Est.)			404.03
Total (Est.)			<u>\$3,472,880.65</u>
Offsets	Pers. Property (Est.)		\$1,432,700.00
	Cash 70% (Est.)	\$1,139,822.16	
	Cash 30% (Est.)	488,495.55	
			<u>1,628,317.71</u>
Delinquent Roll (Est.)		411,862.94	<u>\$3,472,880.65</u>

From the foregoing statement it appears that \$1,628,317.71 income tax had been collected up to April 1 and that delinquent rolls then existed to the amount of approximately \$411,862.94, which may reasonably be expected to produce a large amount of additional cash, and that, when the balance is finally struck, the cash collected from the first year in the administration of the income tax will not be less than \$1,750,000.

Section 1 of the resolution calls for "a detailed statement of moneys paid to and due the state by and from the several counties of the state on account of income taxation for the year 1911."

Exhibit II below is a statement of the cash items for the several counties reported to April 1.

With few exceptions the amounts shown are complete and remittances to the state treasury have been accepted in accordance therewith, subject of course to further quarterly remittances as collections are made on the delinquent rolls.

Exhibit II

CASH RECEIPTS—INCOME TAX OF 1912.

Counties	Total Amount Assessed	Total Amount Cash Collected	Total Amount Cash Received By or Due To the State
Adams	\$1,680.73	\$1,385.85	\$138.58
Ashland	34,361.50	8,616.90	861.69
Barron	6,817.53	744.60	74.46
Bayfield	26,019.10	7,967.90	796.79
Brown	62,310.88	20,656.40	2,065.64
Buffalo	2,732.16	1,113.40	111.34
Burnett	1,124.74	263.35	26.34
Calumet	12,864.79	8,599.90	859.99
Chippewa	38,218.52	28,179.40	2,817.94
Clark	7,400.95	1,011.40	101.14
Columbia	29,398.72	14,155.90	1,415.59
Crawford	3,961.08	600.90	60.09
Dane	111,512.16	49,104.80	4,910.48
Dodge	53,414.09	38,560.20	3,856.02
Door	3,652.36	989.30	98.92
Douglas	177,152.34	34,578.88	3,457.89
Dunn	9,858.34	2,434.96	243.50
Eau Claire	43,992.48	19,068.50	1,906.85
Florence	4,668.43	3,429.67	342.97
Fond du Lac.....	47,652.35	27,465.40	2,746.54
Forest	5,348.85	360.08	36.02
Grant	26,792.02	10,788.40	1,078.84
Green	15,477.76	5,200.67	520.07
Green Lake	11,526.52	3,816.21	381.62
Iowa	14,423.48	5,002.60	500.26
Iron	17,018.67	8,077.00	807.70
Jackson	2,830.51	1,744.60	174.46
Jefferson	44,800.11	18,722.24	1,872.23
Juneau	5,873.87	2,325.61	232.57
Kenosha	123,218.62	69,968.39	6,996.83

Counties	Total Amount Assessed	Total Amount Cash Collected	Total Amount Cash Received By or Due To the State
Kewaunee	\$4,722.17	\$1,743.90	\$174.39
La Crosse	82,577.67	37,622.30	3,762.23
Lafayette	10,887.70	6,201.50	620.15
Langlade	6,347.77	2,163.80	216.38
Lincoln	15,584.70	4,576.20	457.62
Manitowoc	44,813.15	20,072.10	2,007.21
Marathon	37,847.85	16,024.90	1,602.49 Est.
Marinette	38,319.80	21,612.40	2,161.24
Marquette	4,947.57	2,697.30	269.73
Milwaukee	1,479,456.21	760,012.40	76,001.30
Monroe	10,260.20	3,706.20	370.62
Oconto	3,644.26	978.20	97.82
Oneida	15,811.80	2,356.60	235.67
Outagamie	69,190.49	39,753.20	3,975.32
Ozaukee	11,957.09	4,984.19	498.42
Pepin	1,970.61	405.37	40.53
Pierce	7,009.96	1,820.80	182.08
Polk	12,388.47	3,695.70	369.57
Portage	10,005.41	3,927.30	392.73
Price	3,786.54	1,675.93	167.60
Racine	158,901.82	83,936.10	8,393.61
Richland	5,278.53	943.40	94.34
Rock	96,964.28	44,983.40	4,498.34
Rusk	8,403.38	1,485.60	148.56
St. Croix	15,322.64	5,819.10	581.91
Sauk	27,246.20	15,039.70	1,503.97
Sawyer	1,336.43	304.21	30.42
Shawano	6,204.23	2,145.50	214.55
Sheboygan	66,786.56	29,300.30	2,930.03
Taylor	5,093.15	758.20	75.82
Trempealeau	8,670.93	2,097.30	209.73
Vernon	8,731.33	1,759.87	175.99
Vilas	10,995.49	488.63	48.85
Walworth	23,541.43	8,150.20	815.02
Washburn	1,572.00	374.80	37.43
Washington	25,790.56	16,167.70	1,616.77
Waukesha	80,230.95	18,878.40	1,887.84 Est.
Waupaca	9,867.84	3,975.80	397.58
Waushara	5,885.14	1,353.80	135.38
Winnebago	113,724.63	50,140.80	5,014.08 Est.
Wood	24,296.02	9,751.70	975.17
Total	\$3,472,476.62	\$1,628,317.71	\$162,831.85

SECTION 2. THE EXPENSES.

The second section of the resolution calls for a statement of the expenses incurred in 1911 and 1912 in the administration of the income tax.

Thirty-nine assessors of incomes were employed in 1912. The only expense in 1911 on account of the income tax was born by the main office and was in the nature of preparation for the work of the succeeding year.

The amount paid to each income tax assessor for salary and personal expenses appears in columns one and two in schedule IV.

The amounts paid for salaries and personal expenses of all deputies and assistants to income tax assessors appear separately in columns three and four of schedule IV, opposite the offices to which these persons were attached.

Miscellaneous expenditures are set out in schedule II so far as they are not included in the personal expense accounts of the assessors of incomes. No payments were made for office rent on account of the income tax in any county. Offices were rented, however, in Milwaukee, the expense amounting to \$800.00 and a bill appropriating this amount is before the legislature. It is not included in the totals set forth in this report.

Information relative to the additional expenses incurred by the commission on account of the income tax is set forth in schedule I under the heading "Main Office," and partially under the heading "Undistributed by Offices." It is further detailed in schedules II and III under those two main headings.

Schedule I below is a statement of the total expenses incurred and paid in the administration of the income tax in the years 1911 and 1912 as shown by the books of account kept by the commission.

Schedule I

COST OF INCOME TAX 1911-1912.

	1911.	1912.
Main Office	\$1,840.49	\$8,846.88
Office of Assessors of Incomes.....		69,433.05
Undistributed by Offices.....	511.42	14,200.36
Total	\$2,351.91	\$92,480.29

Schedule II is a statement dividing the same totals exhibited in schedule I in greater detail, showing totals for salaries, ex-

penses, printing, paper used in printing, postage, sundry purchases, and expenditures such as express, freight, drayage, etc., and closing with the amounts of supplies requisitioned from the superintendent of public property for these purposes.

Schedule II

COST OF INCOME TAX FOR CALENDAR YEARS 1911-1912.

Detail of Principal Purposes of Expenditure.

	1911.	1912.
Main Office:		
Salaries	\$1,698.46	\$8,628.87
Personal Expenses	142.03	218.01
Offices of Assessors of Incomes:		
Assessors' salaries		43,789.25
Salaries of deputies and clerks.....		17,745.56
Personal Expenses of Assessors.....		7,498.76
Personal Expenses of Deputies and Clerks..		399.48
Undistributed by Offices:		
Printing, excluding paper.....	258.53	2,970.34
Paper for printing.....	108.99	2,819.87
Postage	108.75	6,715.49
Sundry Purchases	5.15	237.57
Supplies Requisitioned from Sup't of Public Property	30.00 (est.)	748.10
Outlays Requisitioned from Supt. of Public Property		708.99
	<hr/>	<hr/>
	\$2,351.91	\$92,480.29

Schedule III is a statement of the detailed purposes of expense accounts as shown in schedule II and will be found to total the same as the personal expenses shown under the heading of the "Main Office" and the heading of "Offices of Assessors of Incomes."

Schedule III

COST OF INCOME TAX 1911-1912.

Detail of Personal Expense Accounts.

	1911.	1912.
Main Office:		
Railroad Transportation	\$79.38	\$119.21
Livery		2.00
Meals and Lodging.....	50.55	81.55
Telephone and Telegraph.....		1.25
Unclassified (street car, stamps, express, etc.)..	12.10	14.00
Offices of Assessors of Incomes:		
Railroad Transportation		2,099.46
Livery		2,384.25
Meals and Lodging.....		2,699.46
Telephone and Telegraph.....		180.29
Supplies		106.13
Unclassified (street car, stamps, express, etc.)..		428.68
	<hr/>	<hr/>
	\$142.03	\$8,116.25

Schedule IV is a statement in detail of the total amounts of the salary and expense accounts of assessors of incomes and their assistants.

Schedule IV

COST OF INCOME TAX FOR 1912

Detail by Offices of Assessors of Incomes

Dist. No.	Name of Assessor	According to 2 (a)	Jt. Res. 59, A.	2 (6)	2 (6)	Total for each office
		Salary of each income tax assessor	Personal expenses of each income tax assessor	Salaries of pers. who assisted income tax assessors	Personal expenses of assistants	
1	J. E. Dalton.....	\$1,132 26	\$81 12	\$139 50	.....	\$1,352 88
2	J. H. Martin	1,100 00	48 59	149 00	.....	1,297 59
3	W. F. Dockery	918 00	225 72	171 00	.....	1,314 72
4	F. A. Taylor	1,100 00	452 36	725 50	\$29 74	2,307 60
5	I. M. Stauffacher.....	1,132 26	378 60	568 23	.....	2,074 09
6	T. L. Cleary	1,415 32	456 86	512 64	.....	2,384 82
7	H. V. Cowles	1,469 00	78 97	998 13	75 54	2,621 64
8	F. S. Trucks	944 88	98 49	85 00	.....	1,128 37
9	John Ross	944 88	90 61	86 00	.....	1,121 49
10	Carroll Atwood	8,396 77	98 22	8,436 71	55 09	11,988 79
11	L. D. Guth	944 88	292 15	604 25	11 35	1,852 63
12	A. H. Bussewitz	1,132 26	131 60	117 33	.....	1,381 19
13	Mark Tomlinson	944 88	62 45	58 00	.....	1,065 33
14	Chas. H. Stone	944 88	119 18	63 00	.....	1,127 06
15	Thos. J. Bergen	1,132 26	232 18	157 20	.....	1,521 64
16	J. E. Kelser	1,100 00	129 50	192 50	.....	1,422 00
17	Wm. J. McDonnell.....	755 50	163 52	104 00	.....	1,023 02
18	B. J. Morse	1,132 26	248 62	154 00	.....	1,534 88
19	D. M. Shea	1,100 00	58 08	308 00	.....	1,466 08
20	A. B. Adamson	1,132 26	122 17	195 00	.....	1,449 43
21	F. H. Denison	1,132 26	106 06	88 25	.....	1,318 57
22	Jos. Connell	1,132 26	167 86	136 50	.....	1,436 62
23	H. A. Dvorak	1,132 26	264 08	171 00	.....	1,567 34
24	F. J. Collignon	1,132 26	106 82	344 50	.....	1,583 58
25	Thos. Flanagan	1,132 26	122 13	165 00	.....	1,419 39
26	Andrew P. Een	944 88	169 83	63 00	.....	1,207 71
27	Martin Tollack	944 88	498 37	84 00	.....	1,522 25
28	George Schmidt	884 86	169 72	204 00	.....	1,258 58
29	J. H. Grimm	1,132 26	312 32	752 93	122 54	2,320 06
30	A. E. Emerson	1,100 00	101 98	480 35	.....	1,682 33
31	A. F. Rapraeger	1,060 00	52 72	224 81	.....	1,337 53
32	E. O. Dent	884 86	173 97	162 75	.....	1,221 58
33	Edward Elmer	1,132 26	242 40	84 00	.....	1,458 66
34	I. S. Parker	944 88	381 16	49 00	.....	1,375 04
35	Vincent Storch	944 88	181 20	46 00	.....	1,172 08
36	A. J. Laidlaw	884 86	111 28	119 83	.....	1,115 97
37	C. W. Staples	1,132 26	226 48	84 00	105 22	1,547 96
38	Geo. A. Bubar	1,132 26	82 00	513 65	.....	1,727 91
39	Wm. Landraint	1,132 26	440 44	162 00	.....	1,734 70
Totals.....		\$43,789 25	\$7,496 76	\$17,745 56	\$399 48	\$69,433 05

Salaries to assistants to assessors of incomes to the amount of \$927.69 assignable to the month of December, 1912 were certified and paid in the month of January, 1913 and are not

included in the totals of this report. In like manner the expense accounts of the assessors of incomes and their assistants to the amount of \$407.83 incurred during the month of December, 1912 were certified and paid during the month of January, 1913, and are not included in the above totals. Both these items will appear in the statement to be issued for 1913 and the corresponding amounts incurred in December, 1913, but not paid until January, 1914, will likewise carry over.

It seems proper to call attention again to the fact that the assessors of incomes are doing work to a large extent formerly performed by the supervisors of assessment, whose office was abolished by the income tax law. Careful estimates place the cost of these offices to the counties at not less than \$55,000, an expense of which the counties have been almost wholly relieved. Much of the expense incurred by assessors of incomes was in connection with the work as supervisor of assessment and not in connection with their work of assessing incomes. While all the sums assigned to the income tax in the main office are items of increased expense due directly to the tax, much less than one-half the expense of the offices of assessors of incomes is assignable to the income tax work and is all that can be regarded as increased cost to the public by reason of this new tax.

Respectfully submitted,

WISCONSIN TAX COMMISSION

A. J. MYRLAND,

Secretary.

APPENDIX NO. IV.

SENATE

PRECEDENTS, RULES AND NOTES

AND

OPINIONS OF ATTORNEY GENERAL

1913 SESSION

INDEX.

	Page
Adjournment on Saturday	37
Amendment does not change question.....	4
Amendment, germane	15
Amendment on third reading.....	9
Appeal, time for.....	24
• Appropriation bill to Finance committee.....	8
Appropriation quorum	24
Attendance, compelled	27
Bill not to be twice introduced.....	15, 18
Bills, introduction limited	17, 28
Call of the Senate.....	13, 25
Chairman of special committee.....	4
Changing vote	12
Clerical corrections	33, 36
Committee of the whole.....	8
Conference	27
Constitutional amendments	30, 31
Debate	7
Debate during voting.....	6
Debate must be germane.....	10, 26
Dilatory tactics	15
Division	6, 17
Equivalent questions	5, 17, 20, 23
Explanation of vote.....	10, 11, 19
Lay on table, nondebatable.....	11
Lay on table, unamendable.....	13
Manual of Rules, Precedents, and Notes. 1913.....	39
Pairs	19, 25
Papers must be in possession.....	5, 6, 7
Place at foot of calendar.....	8
Point of order.....	5
Point of order, president may postpone decision.....	16
Point of order, time for.....	18, 22, 23, 24
Postpone, motion not twice allowed.....	14
Postpone to day certain.....	7, 18
Precedence of motions.....	8, 9, 11
Previous question	19, 20, 21
Previous question prevents debate.....	8, 19
Privilege to record position.....	5
Privileged resolution	27
Question once decided stands	28
Reading papers	27
Recess, amendment to time.....	10
Recess, effect on question.....	21
Recess, motion privileged.....	5
Recognition	6
Reconsideration	4, 7, 9, 11, 12, 13, 20, 23
Reference to assembly proceedings.....	6, 14
Reports of committees filed.....	14
Rules, amendment	4
Rules, suspension	22, 27
Seats	22
Subpoena, form for	29
Substitute amendment to lay over.....	8
Voting	14, 19, 25

SENATE PRECEDENTS, SESSION OF 1913.

[February 5.]

At 10:30 o'clock a. m., Senator Randolph moved that the senate resolve itself into a committee of the whole, under Res. No. 8, S.

Senator Browne asked that the senate return to order of business No. 14, before voting on the motion of Senator Randolph.

Senator Bosshard objected.

Senator Browne rose to a point of order that the motion to resolve into a committee of the whole was out of order because the calendar was unfinished.

The president held that the hour of 10:30 having arrived, under Res. No. 8, S., the point was not well taken.

Senator Burke rose to a question of parliamentary inquiry, whether the question to resolve itself into a committee of the whole is debatable.

The president answered that this motion was debatable.

Senator Burke addressed the senate, discussing the subject matter of Res. No. 8, S.

The president called Senator Burke to order, stating that the debate must be confined to the question before the senate.

Senator Browne addressed the senate discussing the subject matter of Res. No. 8, S.

Senator Randolph rose to a point of order, that Senator Browne was not speaking on the question before the senate.

The president held that the point of order was well taken.

Senator Martin rose to a point of order, that Res. No. 8, S., providing that the senate resolve itself into a committee of the whole, it was the duty of the president to declare the senate resolved into a committee of the whole and to name the chairman of the committee.

The president held that the senate could not resolve to resolve itself into a committee of the whole at a future date and hence that the point was not well taken.

Senator Browne rose to a question of parliamentary inquiry, if the question whether the senate has jurisdiction in the subject matter of Res. No. 8, S., is not germane to the question, "Shall the senate resolve itself into a committee of the whole."

The president held that debate upon the subject matter of Res. No. 8, S., was not in order.

[February 13.]

COMMITTEE REPORT.

Senator Bosshard reported, that the special committee on conservation was organized by the election of Senator Husting as chairman.

The president held, that the action of the committee and the report were unnecessary; that when, under rule 21, special committees are appointed by the president, the senator first named on such committee is chairman.

[February 19.]

RESOLUTION INTRODUCED.

No. 15, S. [To amend standing rule 12.]

Senator Randolph rose to a point of order that under rule 95 a day's notice of a motion to rescind or change a standing rule must be given, and that therefore the resolution offered by Senator Martin was out of order.

The president held:

Under rule 95 one day's notice must be given before a motion or resolution to amend the rules can be acted upon, but, under the practice of the senate, the offering of the resolution is in itself the giving of notice of the motion contained in the resolution;

The resolution is in order to be received at this time, but must be printed in the journal and lie on the clerk's desk for one day, not being received for action until tomorrow, when it has privilege of immediate consideration.

[February 20.]

Senator Linley arose to a question of parliamentary inquiry:

Did not the adoption of the amendment make the question, Shall the bill be ordered engrossed and read a third time?

The president stated: The practice of the senate when the committee recommends indefinite postponement, is to put the question upon the recommendation of the committee.

Senator Linley moved that the vote by which No. 59, S., was indefinitely postponed, be reconsidered.

A division was called for, and the motion was lost.

[February 21.]

MOTIONS.

Senator Linley asked unanimous consent to move that the vote by which No. 59, S., was indefinitely postponed be reconsidered.

Such consent being given,

Senator Linley moved that the vote by which No. **59, S.**, was indefinitely postponed, be reconsidered.

The president put the motion.

Senator Browne rose to a question of parliamentary inquiry:

The senate having refused yesterday to reconsider this vote, can a motion to reconsider be entertained today, even by unanimous consent?

The president stated, that had such a point of order been made before the motion was entertained he would have ruled, but unanimous consent having been given Senator Linley to make the motion, and the motion having been made, entertained and put, such a point of order could not now be made.

[March 3.]

Senator Zophy offered a substitute amendment to No. **122, S.**

The president held that the bill being in the possession of the committee on Judiciary, and not before the senate, the substitute amendment was out of order at this time.

[March 5.]

No. **114, S.**

Senator Linley moved that the bill be re-referred to the committee on Education and Public Welfare.

Senator Ackley moved that the senate take a recess until 5:00 o'clock p. m.

Senator Bosshard rose to a point of order that Senator Ackley's motion was out of order because there was already a motion before the senate.

The president held the point of order not well taken for the reason that a motion for a recess has the same privilege as a motion to adjourn, which is always in order.

[March 6.]

No. **160, S.**

[The senate refused to indefinitely postpone the bill.]

Senator Husting rose to a question of parliamentary inquiry and asked: "Should not the question now be, 'Shall the bill be ordered engrossed and read a third time?'"

The president (Senator True), held that the refusal of the senate to indefinitely postpone, ordered the bill engrossed and read a third time.

And so the bill was indefinitely postponed.

Senator Linley rose to a question of personal privilege and stated that, having been absent from the chamber when the yea

and nays were called on No. **19 S.**, he asked unanimous consent that the journal record a statement that he was opposed to the bill.

Consent was given.

Several senators made reference to the action of the assembly upon a similar bill.

The president called the senators to order and ruled that mention in debate of any action of the assembly was out of order.

[March 12.]

MOTIONS.

Senator Bichler moved that No. **245, S.**, be recalled from the committee on corporation.

Which motion prevailed.

Senator Bichler offered a substitute amendment to the bill. The president stated that the amendment could not be received until the bill was returned from the committee and on the clerk's desk, saying. "It is a dangerous practice to endeavor to act upon papers when they are not in the possession of the senate and on the clerk's desk, and it will be the rule of the chair that this senate cannot act upon papers unless they are on the clerk's desk."

[March 13.]

The question was, "Shall the vote by which the bill was passed be reconsidered?"

While Senator Burke was endeavoring to secure recognition, the president announced that the yeas have it.

Senator Burke then asked for the yeas and nays.

Senator Randolph rose to a point of order that the vote was announced. The president stated that the books on his desk obstructed his view of Senator Burke, and requested that the senate permit him to entertain the request for the yeas and nays. There being no objection, the request was entertained.

[March 20.]

No. **333, S.**,

Senator Husting offered amendment No. 1, S.

The question was, Shall amendment No. 1, S., be adopted?

The president put the question and was about to announce the result when Senator Husting asked unanimous consent to discuss the amendment.

Senator Burke objected.

Senator Husting then called for a division and the amendment was adopted.

Upon motion of Senator Husting,
The vote by which amendment No. 1, S., was adopted, was reconsidered.

[March 25.]

MOTION.

Senator Zophy moved that No. **103, S.**, be re-referred to the committee on Judiciary.

Senator Randolph rose to a point of order, stating that the vote by which the bill was laid over until Thursday, March 27, 1913, must first be reconsidered before Senator Zophy's motion was in order. ~~He then moved~~ ~~that the bill be~~ ~~re-referred to the~~ ~~committee on~~ ~~Judiciary.~~

The president held the point of order well taken.

[March 26.]

MOTIONS.

Senator Snover moved that the vote by which No. **105, S.**, was refused passage, be reconsidered.

Senator Randolph rose to a point of order, that Senator Snover being absent at the time when the vote on No. **105, S.**, was taken, cannot move a reconsideration, he not having voted with the majority under rule 73.

The president held the point of order well taken.

[March 27.]

Senator Linley moved that the vote by which No. **125, S.**, was passed, be reconsidered.

The president held, that, since Senator Linley voted with the minority, he could not move a reconsideration.

Upon request of Senator Ackley, with unanimous consent No. **192, S.**, was recalled from the committee on Corporations.

Senator Ackley offered substitute amendment No. 1, S.

The president held that the amendment could not be received until the bill was on the clerk's desk.

[March 27.]

No. **403, S.**

Discussion arose between Senators Glenn and Kileen.

Senator Randolph rose to a point of order, that the senators were not addressing the chair and that Senator Kileen had spoken more than twice upon the same question.

The president held the point of order well taken.

[April 10.]

Jt. Res. No. 20, A.,
 Senator Bosshard moved that the resolution be non-concurred in.

Senator Scott moved that the resolution be laid over and made a special order at 7:30 o'clock p. m.

Senator Burke rose to a point of order, that the motion of Senator Scott was out of order while the motion of Senator Bosshard was pending.

The president held that a motion to postpone took precedence of the motion to non-concur.

[April 16.]

And so the senate refused to place the bill at the foot of the calendar.

Senator Skogmo moved to lay the bill over and make it a special order at 10:30 o'clock a. m., Wednesday, April 23, 1913.

Senator Burke rose to a point of order that the motion to place at the foot of the calendar was a motion to postpone, and that a second motion to postpone could not be entertained at this time.

The president held the point not well taken, stating that the motion to place at the foot of the calendar was not a motion to postpone within the intent of the rule.

* * *

Senator Skogmo offered substitute amendment No. 2, S.

Senator Burke moved that substitute amendment No. 2, S., be laid on the table.

Senator Bosshard rose to a point of order, that the substitute amendment must lay over under the rules before action.

The president held the point of order well taken.

* * *

Substitute amendment No. 2, S., was refused adoption.

The question was, "Shall the bill be indefinitely postponed?"

Senator Bosshard rose to debate the question.

Senator Burke rose to a point of order that the main question having been ordered to be now put, debate was out of order.

The president held the point well taken.

[April 17.]

No. 103, S.

Senator Randolph rose to a point of order, stating that the bill, carrying an appropriation, must be referred to the committee on Finance under the rules.

The chair held the point well taken, and

The bill was re-referred to the committee on Finance under the rules.

[April 17.]

No. **412, S.**,

Senator Bishop moved that the bill be indefinitely postponed.

The president held that the question on the amendment must be first put under rule 68 which gives a motion to amend precedence over a motion to postpone indefinitely.

Jt. Res. No. 24, S.

Senator Scott moved that the resolution be laid over until Thursday, May 1, 1913.

Senator Bichler moved to amend the motion, to make it that the resolution be re-referred to the special committee on Conservation.

The president held the motion of Senator Bichler out of order under rule 68, which gives a motion to postpone to a day certain, preference over a motion to commit because to allow a privileged motion to be amended by a motion of lower privilege would be to repeal the order of precedence established in the rule.

[April 18.]

MOTIONS.

Senator Richards moved that the vote by which No. **274, S.** was indefinitely postponed, be reconsidered.

The president held the motion out of order, the time for reconsideration having expired.

Upon motion of Senator Richards,

All rules interfering, were suspended, with unanimous consent, to allow him to move a reconsideration of the vote by which No. **274, S.**, was indefinitely postponed.

Upon motion of Senator Richards,

The vote by which No. **274, S.**, was indefinitely postponed, was reconsidered.

[April 22.]

No. **873, A.**,

Was read a third time.

Senator White asked unanimous consent to offer an amendment.

Senator Scott objected.

The president ruled the amendment out of order.

[April 23.]

RECESS.

Senator Snover moved that the senate take a recess until 7:00 o'clock p. m.

Senator Randolph moved to amend the motion, to be to take a recess until 7:30 o'clock p. m.

The question was, Shall the amendment by Senator Randolph be adopted?

Division was called for, and the amendment was adopted?

The motion of Senator Snover, as amended, prevailed, and the senate took a recess until 7:30 o'clock p. m.

[April 30.]

Senator A. E. Martin moved the previous question.

The question was, Shall the main question be now put?

The ayes and noes were required, and the vote was: Ayes, 28; noes, 2; absent or not voting, 2, as follows:

Ayes—Senators Ackley, Albers, Biehler, Bishop, Bosshard, Burke, Culbertson, Cunningham, Hoyt, Huber, Kellogg, Kileen, Martin A. E., Martin H. C., Monk, Perry, Randolph, Scott, Skogmo, Snover, Stevens, Teasdale, Tomkins, True, Weigle, Weissleder, White, and Zophy—28.

Noes—Senators Glenn and Linley—2.

Absent or not voting—Senators Husting and Richards—2.

Senator Linley rose to explain his vote.

Senator Randolph rose to a point of order, stating that since the vote was on the main question, the vote had nothing to do with the bill.

The president held that a senator may explain his vote on any question, but that he may not under guise of an explanation debate the question.

[April 30.]

No. 201, S.

Senator Weigle addressed the senate.

Senator H. C. Martin rose to a point of order that Senator Weigle was not addressing himself to the question.

The president held the point well taken.

Senator Zophy then addressed the senate.

Senator H. C. Martin rose to a point of order that Senator Zophy was not addressing himself to the question.

The president held the point well taken.

[May 2.]

No. **842, A.**,

Senator Bishop moved to lay over until Tuesday, May 6, 1913.

Senator Bichler moved to re-refer the bill to special committee on Highways.

Senator Skogmo moved to re-refer the bill to the committee on Corporations.

Senator Skogmo, with unanimous consent, withdrew his motion.

Senator Bichler, with unanimous consent, withdrew his motion, and moved to re-refer the bill to the committee on Finance.

The president held that the motion of Senator Bishop, to lay over to a day certain, took precedence to the motion of Senator Bichler to re-refer.

Senator Bishop, with unanimous consent, withdrew his motion, and moved to amend the motion of Senator Bichler, to re-refer the bill to the committee on Corporations,

Which amendment was adopted.

The motion of Senator Bichler, as amended by the motion of Senator Bishop, was adopted, and the bill was re-referred.

[May 7.]

Senator Linley moved that the vote by which No. **299, A.**, was non-concurred in, be reconsidered.

Senator Ackley rose to a point of order, stating that Senator Linley was absent when the vote on No. **299, A.**, was taken and could not move a reconsideration of the vote.

The president held the point well taken.

[May 13.]

Senator Burke moved that the nomination by the governor of Clemens P. Host to be state fire marshal be taken from the table.

The yeas and nays were demanded.

Senator Bosshard arose and proceeded to debate the question.

Senator Burke rose to a point of order that the motion was non-debatable.

The president held the point of order well taken.

Senator Bosshard rose to explain his vote.

The president held that the senator could explain his vote only at the time his name was called and his vote cast.

When the name of Senator Bosshard was called he arose, and proceeded to explain his vote.

Senator Burke rose to a point of order that the question being non-debatable it was not in order for a member to explain his vote.

The president held that universal parliamentary practice permitted a senator at all times to explain his vote and hence the point of order was not well taken.

Senator Bosshard moved that the nomination be laid over until May 20.

[May 13.]

And so the nomination was laid over until Tuesday, May 20, 1913.

Prior to the announcement of the vote, the clerk read the names of those senators recorded voting in the affirmative, and those senators recorded voting in the negative. After the president had announced the result, Senator Stevens stated that he was recorded as voting in the affirmative but that he voted in the negative. The president held that the result had been announced and that the senator could not change his vote.

Senator Burke appealed from the decision of the chair.

The question was, Shall the decision of the chair stand as the judgment of the senate?

The ayes and noes were required, and the vote was: Ayes, 20; noes, 10; absent or not voting, 2.

* * *

And so the decision of the chair was sustained.

[May 14.]

MOTIONS FOR CONSIDERATION.

No. **27, A.**

The question was, Shall the vote by which No. **27, A.**, was non-concurred in, be reconsidered?

Division was called for, and the senate refused to reconsider the vote, ayes, 13, noes 14.

After the result was announced, Senator Hoyt stated that he had been counted as up when he was taking his seat and did not wish to be so counted.

Senator Burke arose to a point of order, stating that after the result of a vote was announced, a senator could not change his vote.

The chair held the point of order well taken.

[May 15.]

Senator Ackley moved that the vote by which Jt. Res. No. 5, A., was ordered to a third reading be reconsidered, stating that he had voted in the minority on the viva voce vote by which the resolution was so ordered.

The president held that the motion was out of order, Senator Ackley not having voted with the majority.

Senator Perry moved that the vote by which Jt. Res. No. 50, A., was ordered to a third reading be reconsidered.

Senator Scott rose to a point of order that the senate had the right to inquire if the senator making a motion to reconsider a viva voce vote voted with the majority.

The president held the point well taken, stating that the rule required that to make a motion to reconsider a senator must have voted with the majority, and that it was the practice of the senate to enforce this rule, when the vote was viva voce or by division, by inquiring of the senator whether he so voted.

Senator Perry stated that he voted with the minority.

The president then held his motion to reconsider out of order.

[May 20.]

CALL OF THE SENATE.

[The senate under call.]

Senator Ackley moved that rule 11 be suspended.

The president declared the motion out of order under rule 90.

EXECUTIVE COMMUNICATIONS.

Senator Scott moved that the nomination of Clemens P. Host to be state fire marshal, be laid on the table,

Senator Bosshard moved to amend the motion by providing that the nomination should be taken from the table only upon final disposition of No. **505, S.**

Senator Burke rose to a point of order, that a motion to lay on the table cannot be amended, and that the rule provides that a matter laid on the table may be taken from the table at any time.

The president held the point well taken.

The motion to lay upon the table prevailed.

[May 21.]

MOTIONS.

Jt. Res. No. 75, A.

Senator Bosshard moved that the vote by which the resolution was ordered to a third reading, be reconsidered.

Which motion prevailed.

The resolution was then non-concurred in.

[May 22.]

Senator Skogmo moved that the vote by which Jt. Res. No. 75, A., was non-concurred in, be reconsidered.

Senator Bosshard rose to a point of information whether Senator Skogmo voted with the majority.

Senator Skogmo stated that he was not present when the vote was taken.

The president held the motion of Senator Skogmo out of order.

Senator Zophy moved that the vote by which Jt. Res. No. 75,

A., was non-concurred in, be reconsidered, and that the motion be laid over until Wednesday, May 28, 1913.

Senator Linley rose to a point of parliamentary inquiry, whether the vote by which the resolution was ordered to a third reading having been reconsidered, it was in order to move that the vote by which the resolution was non-concurred in, be reconsidered.

The president held the motion by Senator Zophy in order.

The senate refused to lay over the motion to reconsider.

The senate then refused to reconsider the vote by which the resolution was non-concurred in.

[May 29.]

Upon request of Senator Bosshard,

All rules interfering were suspended with unanimous consent, and the chairmen of the various committees were allowed to file their reports at the clerk's desk.

Senator Richards moved that the vote by which No. 62, A., was non-concurred in, be reconsidered.

The question was put and a viva voce vote had and the president was about to announce the result, when Senator Weigle moved that the motion lie over until Wednesday, June 4, 1913.

The president held that the senate having begun voting, no motion was in order except demand for division or for the ayes and noes.

[June 5.]

Upon motion of Senator Bichler,

The vote by which amendment No. 3, S., to substitute amendment No. 1, S., was adopted, was reconsidered.

Senator Burke rose to a point of order that the remarks of Senator Skogmo regarding to the position of the assembly on excise legislation were out of order.

The president held the point of order not well taken, stating, the chair is of the opinion that it is in order to discuss generally the attitude of the legislature on public questions and I think that is all that the senator has done.

[June 9.]

Senator White moved that the bill be non-concurred in.

Senator Tomkins moved that the bill be laid over until Tuesday, June 17, 1913.

Division was called for and the senate refused to lay the bill over.

Senator Tomkins then moved to lay the bill over until Thursday, June 12, 1913.

The chair held the motion out of order.

[June 10.]

No. 514, S.,

Senator Scott, offered amendment No. 1, S., to amendment No. 1, A.

Senator Husting rose to a point of order that the amendment by Senator Scott was not germane to amendment No. 1, A.

The chair held that the point of order was not well taken.

[June 11.]

SPECIAL ORDER.

No. 391, S.,

A bill to create section 1548—1m of the statutes, relating to the granting of licenses for retail traffic in intoxicating liquors and for the transfer thereof.

Senator Skogmo offered substitute amendment No. 2, S.

* * *

And so the substitute amendment was rejected.

Senator Skogmo offered substitute amendment No. 3, S.

* * *

And so the amendment was rejected.

Senator Skogmo offered substitute amendment No. 4, S.

Senator Ackley rose to a point of order, that Senator Skogmo is using dilatory tactics.

The president held the point not well taken.

[June 19.]

COMMITTEE REPORT.

The committee on State Affairs report and recommend:

No. 509, S.,

Adoption of substitute amendment No. 1, S., and passage.

M. F. WHITE,

Chairman.

Senator Bosshard rose to a point of order that **No. 509, S.,** is out of order because it is the same in substance as **No. 391, S.,** which has been acted upon.

The president postponed decision of the point of order and directed the bill to be placed upon the calendar, stating that the point would be decided before the senate acted upon the bill.

[June 24.]

No. 509, S.

The president stated that the point of order raised by Senator Bosshard that the bill is out of order because it is the same in substance with a bill previously considered by the senate at this session, was an important point, and so far as he has been able to investigate, a close one in this case, and requested a discussion of the point of order.

After discussion, the president expressed a wish that he might have further time to consider the point of order.

Senator Weissleder moved that the point of order be decided by a vote of the senate.

The president held the motion out of order.

Senator Bichler rose to a point of order that the point of order by Senator Bosshard, to hold, should have been made when the bill was introduced. The president held: Under the old procedure outlined in Jefferson's Manual, the time for a point of order against a bill was on its first reading, which was for information, and which, under the procedure in vogue in the days of Jefferson, was a reading in full. Under the procedure in this senate it is not practicable for a point of order to be raised until the matter is up for consideration, it not being until then that the members of the body would have adequate notice of what it contains. Any other rule would deprive members of their right to raise a point of order against a bill and would effect practically the repeal of the rule. The point of order need not have been made until this time.

Senator True moved that the bill be laid over until Thursday, June 26, 1913.

* * *

And so the senate refused to lay the bill over.

The president stated that he would not avail himself of the power to postpone decision of the point of order, but would accede to the wish of the senate and rule upon it at this time.

Senator A. E. Martin then moved that the rules be suspended, and the bill laid over until tomorrow.

* * *

And so the senate refused to suspend the rules.

The president said: "The president holds, on the limited investigation he can give this matter, that No. 509, S., is identical in substance with a bill that has been considered, the only difference being, so far as the president is informed, a difference in date, which does not change the substance or identity of the bill. The point of order is well taken."

Senator Bichler appealed from the decision of the chair.

The question was, Shall the decision of the chair stand as the judgment of the senate?

The ayes and noes were required, and the vote was: Ayes, 14; noes, 11; absent or not voting, 7.

* * *

And so the decision of the chair was sustained.

[June 20]

The chief clerk reported that the bill offered for revision by the committee on Judiciary at the evening session on June 18, 1913, had been inadvertently received without unanimous consent having been given as required by resolution No. 28, S.

Upon motion of Senator Bosshard,

The journal of Wednesday, June 18, 1913, was corrected by cancelling under, "Bills for Revisions," at the evening session the following: The committee on Judiciary, with unanimous consent, filed one bill for revision.

[June 25.]

No. **384, A.**

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 9; noes, 14; absent or not voting, 9.

* * *

And so the senate refused to non-concur in the bill, thereby ordering it to a third reading.

Senator Zophy moved that the vote by which the senate refused to non-concur in No. **384, A.**, be reconsidered.

Which motion prevailed.

After the president had announced the result of the vote, Senator Biehler asked for a division.

Senator Monk rose to a point of order that a division could not be had after the result of the vote had been announced.

The president held the point of order well taken.

[June 25.]

No. **89, S.**

Was read a second time.

* * *

The question then was, Shall the bill be indefinitely postponed?

The ayes and noes were demanded, and the vote was: Ayes, 12; noes, 12; paired, 2; absent or not voting, 6.

* * *

And so the senate refused to indefinitely postpone the bill.

The president stated that the question then was: "Shall the bill be ordered engrossed and read a third time?"

Senator Randolph rose to a point of order that under the practice of the senate a refusal to indefinitely postpone ordered the bill engrossed and read a third time.

The president held that the vote, being a tie vote, the bill was not thereby ordered engrossed and read a third time, and that the point of order was not well taken.

The question was, Shall the bill be ordered engrossed and read a third time?

[June 25.]

Upon motion of Senator A. E. Martin, and with unanimous consent,

No. **748, A.,**

Was laid over until Tuesday, July 1, 1913.

* * *

The assembly requests the return of No. **748, A.**

Senator Weissleder moved that the request of the assembly for the return of No. **748, A.,** be taken up and considered at this time.

The president ruled the motion out of order, because the bill had been laid over until Tuesday, July 1, 1913; and the request was filed with the bill.

[June 25.]

No. **578, S.,**

Senator Weigle rose to a point of order that the bill was the same as an assembly bill previously considered and rejected by the senate.

Senator Ackley rose to a point of order that the point raised by Senator Weigle to hold, should have been raised not later than when the bill was on its second reading.

The president held the point of order by Senator Ackley well taken, but stated that he would rule also on the point of order raised by Senator Weigle.

The president held the point of order raised by Senator Weigle not well taken, reading the following from Jefferson's Manual: "A bill begun in one house, and sent to the other, and there rejected, may be renewed again in that other, passed and sent back."

[June 26.]

MOTIONS.

Senator Tomkins moved that No. **748, A.,** be taken from next Tuesday's calendar and placed at the foot of this calendar.

The president held the motion out of order, stating that the only way such action could be taken would be by reconsidering the vote by which the bill was laid over.

[June 26.]

Senator Bichler moved that the vote by which No. **206, A.,** was concurred in, be reconsidered.

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 13; paired, 8; absent or not voting, 1.

* * *

And so the senate refused to reconsider the vote.

Before the announcement of the vote, Senator Bosshard rose to a point of order that a motion to reconsider was a motion collateral to the bill, and that Senator Skogmo, being paired on the "bill only and not amendments" was not paired on the motion.

The president held that the motion to reconsider was a question directly upon the bill, and that Senator Skogmo, being paired on the bill, was paired on the motion to reconsider, just as he would be upon a motion to lay over, or otherwise act upon the bill, except to amend.

[July 8.]

MOTIONS CONSIDERED.

No. 728, A.

Senator White moved the previous question.

* * *

And so the previous question was ordered to be now put.

* * *

Senator Burke, when his name was called, rose to a question of parliamentary inquiry: Whether, the main question having been ordered to be now put, a senator was permitted to explain his vote.

The president held: The main question being ordered to be now put, debate is out of order, but the explanation of a senator's vote is not debate. A senator may at all times, when his name is called, make a statement in explanation of his vote, but at no time while the roll is being called may he make an argument.

[July 9.]

No. 487, A.

Senator Stevens moved the previous question.

* * *

And so the main question was ordered to be now put.

Senator Bosshard moved that the bill be non-concurred in.

Senator Ackley rose to a question of parliamentary inquiry, whether, the main question having been ordered to be now put, a motion to non-concur is in order.

The president held: Under the practice of the senate, the effect of the previous question is to put an end to debate but not to prevent the making of any privileged motion.

The question was, Shall the bill be non-concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 10; noes, 19; absent or not voting, 3, as follows:

* * *

And so the senate refused to non-concur in the bill and thereby the bill was concurred in.

Before the vote was announced, Senator Bosshard asked unanimous consent to offer the following amendment:

* * *

Senator Stevens objected.

Senator Bosshard then moved that the rules be suspended and the amendment be received.

The president ruled the motion out of order.

* * *

Senator Stevens moved that the vote by which the bill was refused non-concurrence, be reconsidered.

Senator Bosshard rose to a question of parliamentary inquiry: whether the previous question operates on the motion to reconsider, or whether the motion is debatable.

The president held: The previous question extended only to the vote upon the final concurrence in the bill, not having been made to apply to a motion to reconsider, and hence the motion is debatable.

Senator Bosshard debated the bill.

Senator Kileen rose to a point of order, that the question was upon the motion to reconsider, and debate must be confined to that question.

The president held that a motion to reconsider opened the main question to debate.

The question was, Shall the vote by which the bill was refused non-concurrence, be reconsidered?

* * *

And so the senate refused to reconsider the vote.

[See July 10, and July 17.]

[July 9.]

No. **754, A.**,

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were demanded, and the vote was: Ayes, 13; noes, 16; absent or not voting, 3, as follows:

* * *

And so the senate refused to concur in the bill.

Senator A. E. Martin moved that the vote by which the senate refused to concur in No. **754, A.**, be reconsidered.

Before the president could state the question, Senator Ackley addressed the chair and stated that he moved the previous question.

Senator H. C. Martin moved that the senate adjourn.

* * *

And so the senate refused to adjourn.

Senator Randolph moved that the senate take a recess until 8:00 o'clock p. m.

* * *

And so the senate took a recess until 8:00 o'clock p. m.

* * *

[Evening session.]

Senator Bosshard was recognized and stated that he moved that further consideration of No. **754, A.**, be laid over until Thursday, July 10th.

Senator A. E. Martin rose to a point of order that the motion by Senator Ackley for the previous question upon the motion of Senator A. E. Martin to reconsider the vote by which the senate refused to concur in No. **754, A.**, was before the senate, and seconds to the motion for the previous question were now in order.

Senator Bosshard asked consent of the senate to withdraw his motion to lay the bill over.

Senator Linley was recognized and stated that he moved that the vote by which the senate refused to concur in No. **754, A.**, be reconsidered.

The president stated that before ruling upon the point of order raised by Senator A. E. Martin, he desired to hear discussion. No senator discussed the point of order.

The president then stated: It is the opinion of the chair that the recess leaves the bill and any question that might be pending thereon in status quo. The motion to reconsider was not stated by the chair when the motion for the previous question was made and therefore the motion for the previous question was not in order, because no question was pending to which it might apply. Neither had the motion to reconsider been stated when the recess was taken, and therefore it is not before the senate at this time, and the motion to lay the bill over is not in order because the bill is not before the senate, nor any motion thereon. However, the right to make a motion to reconsider expiring within the next legislative day, it is an individual right that a senator who has secured the floor and exercised within the time in which it is in order, may not by an adjournment or any other intervening action, be deprived. Therefore, if the senator who has made the motion insists now upon his right, the motion will now be stated. Otherwise, the chair will entertain and put the motion now made to reconsider, which is the same as the motion made before the recess was taken. If any senator disagrees with the opinion of the chair, the chair desires that he so state before it is made a ruling.

No senator stated a disagreement with the opinion of the chair, and the chair stated that such opinion was his ruling on the point of order made by Senator A. E. Martin.

Senator A. E. Martin, not insisting upon his motion to reconsider, the president entertained and put the motion of Senator Linley to reconsider.

The question was, Shall the vote by which the senate refused to concur in No. 754, A., be reconsidered?

[July 10.]

Senator Stevens moved that the assembly be requested to return No. 487, A.,

Which motion prevailed.

No. 1143, A.

Senator Bosshard asked unanimous consent to offer the following amendment:

* * *

Senator Skogmo objected.

Senator Randolph moved that all rules interfering be suspended, and that the amendment be received.

Senator Burke rose to a question of parliamentary inquiry, whether a motion to suspend the rules is debatable.

The president held that the motion is not debatable.

Senator Burke asked unanimous consent to debate the motion.

Senator Perry objected.

Senator Skogmo asked unanimous consent to debate the motion.

Senators Monk and Randolph objected.

Senator Bosshard asked that unanimous consent be given to both Senators Burke and Skogmo to debate the motion.

Senator Randolph objected.

Senator Ackley rose to a point of order that the objections to Senator Skogmo speaking were made after the president had announced that the senator had been given unanimous consent to speak.

The president held that the point of order could not now be raised, the entire matter having been decided.

The question was, Shall the rules be suspended?

[July 16.]

Senator Husting addressed the senate.

Senator Kileen asked permission to take a seat nearer to senator Husting.

The president held that a senator has a right to take any vacant seat in the chamber except when he votes or addresses the senate.

[July 17.]

No. **487, A.**

The president stated:

The last action taken on this bill was upon the question of non-concurrence. The bill had been read a third time in the manner required by the constitution, and the question was, "Shall the bill be concurred in?" A motion was made that the bill be non-concurred in, and a roll call vote was had on that question. It was decided in the negative, and under the parliamentary rule of equivalent questions, any other motion in order taking precedence of the motion to non-concur, this action was considered and recorded as concurrence in the bill. Question has been raised as to the constitutional sufficiency of a negative action upon a negative equivalent question upon the final passage of a bill, and it is the opinion of the chair that the safer course is to put the question affirmatively.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 19; noes, 10; paired, 2; absent or not voting, 1.

* * *

And so the bill was concurred in.

No. **587, S.,**

A bill to create section 1060a of the statutes, relating to the board of review in cities of the first class.

The question was upon the motion of Senator Zophy to reconsider the vote by which the bill was passed.

Senator A. E. Martin rose to a point of order that if Senator Zophy did not vote with the majority, he could not move to reconsider.

The president held: The point of order, to be well taken, should have been made when the motion to reconsider was made. The motion was entered several days ago and is now pending. This is the general rule for all motions and there is an added reason why this is so in the case of a motion to reconsider that does not apply to all motions.

The motion to reconsider having been entered and laid over, it precluded any other senator making such a motion within the reconsideration period, and it must be acted upon, or other senators who voted with the majority would be deprived of their right to make such a motion.

The question was, Shall the vote by which No. **587, S.,** was passed be reconsidered?

[Senator Monk in the chair.]

No. **1176, A.,**

Was read a third time.

The question was, Shall the bill be concurred in?

The ayes and noes were required, and the vote was: Ayes, 10; noes, 9; paired, 6; absent or not voting, 7, as follows:

Ayes—Senators Bosshard, Glenn, Hoyt, Husting, Martin H. C., Scott, Skogmo, Tomkins, True, and Zophy—10.

Noes—Senators Albers, Bishop, Burke, Kileen, Martin A. E., Perry, Richards, Snover, and Teasdale—9.

Paired—Senators Huber, Linley, and Monk for the bill, Senators Cunningham, Kellogg, and Weissleder against the bill—6.

Absent or not voting—Senators Ackley, Bichler, Culbertson, Randolph, Stevens, Weigle, and White—7.

And so the bill was concurred in.

Senator Hoyt moved that the vote by which the bill was concurred in, be reconsidered.

Senator Husting rose to a point of parliamentary inquiry, whether, but nineteen votes having been cast, the bill had not failed to receive the vote required by the constitution upon appropriation bills.

The president held that whereas Senators Cunningham, Linley, and Monk, who were paired, were present, a three fifth quorum, as required by the constitution, was present, and the bill regularly concurred in.

The question was, Shall the vote by which No. **1176, A.**, was concurred in, be reconsidered?

* * *

And so the senate refused to reconsider the vote.

Senator Husting rose to a point of parliamentary inquiry, whether the president had held that the bill was concurred in.

The president stated that such had been the ruling of the chair.

Senator Albers appealed from the decision of the chair.

Senator Scott rose to a point of order, that action on the bill having been taken since the ruling, an appeal was not now in order.

The president held the point of order well taken.

No. **1090, A.**,

Was read a second time.

Amendment No. 2, S.

The question was, Shall the amendment be adopted?

A division was called for and the amendment was refused adoption.

* * *

Senator Ackley moved that the vote by which amendment No. 2, S., was refused adoption, be reconsidered.

The president put the affirmative of the question, when

Senator Bosshard rose to a point of order that Senator Ackley had not been in the chamber when the vote on amendment No. 2, S., was taken, and therefore could not move a reconsideration.

Senator Ackley rose to a point of order, that the point made by Senator Bosshard could not hold after the question was put.

The president held the point of order by Senator Ackley well taken.

The question was, Shall the vote by which amendment No. 2, S., was refused adoption, be reconsidered?

A division was called for, and the senate refused to reconsider the vote.

The question then was, Shall the bill be non-concurred in?

* * *

And so the senate refused to non-concur in the bill, thereby ordering it to a third reading.

No. 1090, A.,

Was read a third time.

The question was, Shall the bill be concurred in?

A viva voce vote had been taken, and the ayes appeared to have it.

Senator Teasdale asked for a roll call.

The ayes and noes were ordered.

Senator Ackley moved a call of the Senate.

The president ruled the motion out of order because the voting had commenced.

* * *

And so the bill was concurred in.

Senator Ackley moved that the vote by which the bill was concurred in, be reconsidered.

Senator Ackley moved a call of the Senate.

[Which was ordered.]

* * *

[July 19.]

No. 1090, A.

The question was, Shall the vote by which the bill was concurred in be reconsidered?

Senator Husting moved a call of the Senate.

Which motion was seconded by a sufficient number, and the president directed the sergeant-at-arms to close the doors and the clerk to call the roll.

* * *

Senator Bishop rose to a question of parliamentary inquiry, whether senators who were paired on the bill were subject to the call.

The president stated that all senators absent without leave were subject to the call.

Senator Kileen rose to a question of parliamentary inquiry whether leaves of absence could not be revoked.

The president stated that such action would be business not permitted under the call, by the rule.

Senator Teasdale moved that further proceedings under the call be dispensed with.

Senator Kileen rose to a point of parliamentary inquiry, whether the motion was debatable.

The president stated that he was of the opinion that the motion was not debatable, the rule providing that: "While the senate was under a call no business shall be transacted except to receive and act on the report of the sergeant-at-arms; and no other motion shall be in order, except a motion to adjourn, and a motion to suspend further proceedings under the call," the motion was non-debatable, being "other business."

The question was, Shall further proceedings under the call be dispensed with?

The ayes and noes were required, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6, as follows:

* * *

And so the senate refused to dispense with further proceedings under the call.

Senator Burke moved that the senate adjourn, and stated that he requested unanimous consent to add to the motion that the time be until Tuesday, July 22, at 10:00 o'clock a. m.

The president held the request out of order, because to entertain and put it would be transacting business not within the rule.

The question was, Shall the senate adjourn?

The ayes and noes were required, and the vote was: Ayes, 14; noes, 12; absent or not voting, 6.

* * *

And so the senate adjourned.

* * *

[July 21.]

No. 1090, A.

The question was, Shall the vote by which the bill was concurred in be reconsidered?

* * *

And so the vote was reconsidered.

The question was, Shall the bill be concurred in?

Senator Skogmo debated the question, referring to an amendment which had been informally discussed by senators.

Senator Burke rose to a point of order, that the debate by Senator Skogmo was not germane to the question.

The president held that debate bearing on the question was in order.

Senator Skogmo asked unanimous consent to offer the following amendment:

* * *

Senator Perry objected.

Senator Skogmo moved that all rules interfering be suspended and the amendment be received.

Senator Bosshard requested that the amendment be read by the clerk.

Senator Burke rose to a point of order that the amendment not having as yet been received, it could not be read by the clerk.

The president held the point of order not well taken, saying:

"This amendment has been laid before the senate by the motion to suspend the rules, and any senator has a right to have it read before voting on that motion. Under Jefferson's Manual 'Where papers are laid before the house, every member has a right to have them once read at the table before he can be compelled to vote on them'."

Senator Husting debated the question.

Senator Burke rose to a question of parliamentary inquiry whether a motion to suspend the rules is debatable.

The president held that a motion to suspend the rules, not being included in the enumeration of non-debatable questions in the rules of the senate, was debatable, but that debate was limited to the question, and could not include debate on the proposed amendment.

The question was, Shall the rules be suspended and the amendment be received?

[July 23]

At 8:05 o'clock p. m., Senator H. C. Martin moved that the senate take a recess for fifteen minutes, and that the sergeant-at-arms be instructed to lock the doors and bring in the absent senators,

Which motion prevailed.

[July 23]

No. **715, A.**, was passed by the assembly and messaged to the senate. The senate preferred No. **503, S.**, on the same subject, and laid the assembly bill on the table and passed the senate bill. The assembly nonconcurred in the senate bill. Upon receipt of this message in the senate, the following entry appears:

"Senator Scott moved that a committee of conference be requested on the subject matter of Nos. **715, A.**, and **503, S.**,

"Which motion prevailed."

The conference recommended that the assembly reconsider and concur in No. **503, S.**, and this was done.

[July 24]

Joint resolution instructing a special recess committee created by bill, by adding another related subject of investigation, adopted, and as a privileged resolution.

(Jt. Res. No. 67, S.)

[July 25]

The following resolution had been adopted on June 18:

Res. No. 28, S.,

Relating to the introduction of bills.

Resolved by the senate, That after the adoption of this resolution no bills shall be filed for revision except by unanimous consent.

After that time bills were received for revision only by unanimous consent.

On July 25

Senator Bichler asked unanimous consent to introduce two bills. Senator Teasdale objected.

Senator Bichler moved that all rules interfering, be suspended, and the bills be received.

By unanimous consent,

The motion was entertained.

Senator Bosshard asked for a division of the question.

The president did not rule on the question of whether the motion to suspend the rules would admit the bills, but entertained the motion by unanimous consent. One of the bills was received and the other refused reception.

The governor withdrew the name of August S. Lindemann, whom he had nominated to be a member of the Industrial Commission, and nominated Thomas J. Mahon.

The senate refused to confirm the nomination, ayes 9, noes 11.

* * *

On August 7, the governor again submitted the nomination of Thomas J. Mahon to be a member of the Industrial Commission.

After a call of the senate lasting until August 9, the following entry appears:

"And so further proceedings under the call were dispensed with.

"The question was, Shall all rules requiring the nominations by the governor to lie over be suspended?

"By unanimous consent,

"The rules were suspended.

"Senator Teasdale rose to a question of parliamentary inquiry, whether the rules that a question once decided must stand as the judgment of the senate at the then session, unless reconsidered under the rules, were suspended.

"The president stated that these rules had not been suspended.

"Upon request of Senator Husting, and by unanimous consent, these rules also were suspended."

The senate again refused to confirm the nomination, ayes 14, noes 18.

OPINIONS OF ATTORNEY GENERAL.

FEBRUARY 3, 1913.

MR. F. M. WYLIE,
Chief Clerk of the Senate,
Capitol.

Dear Sir: Pursuant to your request, I am herewith submitting draft form with several copies thereof, of subpoena in the matter of the investigation of the charges, proceedings, etc., relative to the removal of Herman L. Ekern as Commissioner of Insurance.

Very truly yours,
W. C. OWEN,
Attorney General
By RUSSELL JACKSON,
Deputy Attorney General.

STATE OF WISCONSIN, IN THE SENATE.

In the Matter of the Investigation of the Charges, Proceedings, Facts and Matters relative to the Removal of Herman L. Ekern, as Commissioner of Insurance of the State of Wisconsin, and the appointment of Louis A. Anderson to such office, etc., as per Resolution No. 8, S.

THE STATE OF WISCONSIN, To

.....
.....
You, and each of you, are hereby commanded and summoned to be and appear before the Senate of the State of Wisconsin, as a Committee of the Whole, at the Senate Chamber, in the Capitol building, at the City of Madison, on the — day of —, A. D., 1913, at — o'clock in the — noon of said day, to submit to examination and testify in respect of the following matters:

1. The charges made to the Governor in the proceedings for the removal of Herman L. Ekern as Commissioner of Insurance.

2. The proceedings had before the Governor upon said charges and any proceeding or action thereon had subsequent thereto.

3. The facts surrounding the appointment of Louis A. Anderson as Commissioner of Insurance, and the proceedings had thereon and subsequent thereto.

4. All matters relating to any attempt to take possession of the office of the Commissioner of Insurance and to remove therefrom the said Herman L. Ekern by force or otherwise.

Hereof fail not at your peril.

Issued by order of	.....
the Senate this	President of the Senate of Wisconsin.
_____ day of	.....
February, A.D., 1913.	Chief Clerk of the Senate of Wisconsin.

MAY 8th, 1913.

HON. F. M. WYLIE,
Chief Clerk, Senate,
 Capitol.

Dear Sir: In your letter of May 7th, 1913, you state:

"The legislature, at the 1909 and 1911 sessions, adopted Joint Resolution No. 48, found on page 1121 of the 1911 session laws, creating section 3a of Article XI of the constitution, relating to the acquisition of lands by the state or cities for public purposes. This amendment was ratified by the voters at the last election.

"At the 1911 session the legislature adopted Joint Resolution No. 73, found on page 1142 of the 1911 session laws, also creating section 3a of Article XI of the constitution, providing for home rule in cities. This amendment is now in the senate enrolling room, having passed both houses at the present session.

"As both of these constitutional amendments create section 3a of Article XI, but relate to entirely different matters, the question arises as to what effect the passage of the last named resolution would have on the one already ratified by the electors, and whether it would be advisable or within the province of this legislature to change the section number in the amendment now pending."

If the amendment now pending should have any effect upon the amendment already adopted because it bears the same section number, it is very manifest that to change such section number would be a material departure from the resolution adopted at the session of 1911 and would interfere with the orderly adoption of the present amendment, for the reason that the two resolutions would not be alike. If, therefore, any necessity exists for changing the section number, it is clear that to make such change would be fatal to the adoption of the amendment. As I view it, the

section number makes no difference. It may result in a little inconvenience or confusion, owing to the fact that there will be two sections bearing the same number, but these sections may be differentiated by referring to one as having been adopted in the year 1911 and the other as having been adopted in the year 1913. While a little embarrassment is likely to result from the situation, it is my judgment that this legislature will be pursuing by far the safer course by couching the resolution in exactly the same language carried by the resolution of 1911, and I, therefore, advise that it would be dangerous to attempt to change this section number at this time.

Yours very truly,

W. C. OWEN,
Attorney General.

JUNE 10, 1913.

Honorable F. M. WYLIE,
Chief Clerk, Senate,
Capitol.

Dear Sir: In your letter of the 29th ult. you state that the question has arisen, as to whether the proper method for the legislature to submit to the people constitutional amendments that have passed two sessions is by bill or by joint resolution, and request my opinion upon the matter.

I am enclosing herewith a copy of an opinion this day rendered Honorable C. E. Shaffer, chief clerk of the assembly, which I believe will answer your question.

Very truly yours,

W. C. OWEN,
Attorney General.

JUNE 10, 1913.

Honorable C. E. SHAFFER,
Chief Clerk, Assembly,
Capitol.

Dear Sir: In your inquiry of the 29th ult. you state that there are pending in the assembly a number of proposed amendments to the constitution, the resolutions proposing which have been adopted by the legislature a second time pursuant to Article XII, section 1, constitution; that it thus becomes the duty of the legislature to submit such proposed amendments to the people; that in the past this duty has been performed by the enactment of a bill providing for such submission; that this practice has been questioned on the ground that there is nothing in Article XII which imposes upon the executive the power or responsibility either to approve or disapprove the action of the legislature in this regard; and that the proper form for submitting a constitutional amendment to the

people is by joint resolution and not by bill. You ask my opinion on the question thus raised.

Article XII, section 1 of our constitution provides that after agreement upon a proposed amendment by two legislatures—

“It shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner, and at such time as the legislature shall prescribe.”

Former Attorney General Hicks held that proposed amendments might be submitted either by bill or by joint resolution and suggested that the latter was the preferable method.

Biennial Report and Opinions of Attorney General for 1902, p. 97.

He, however, did not cite any authorities.

It has frequently been held under similar provisions that the amendment may be proposed by resolution and that no executive approval is essential.

Commonwealth ex rel. Elkin vs. Griest, 196 Penn. state, 396; 46 Atl. 505; 50 L. R. A. 568.

Hollingsworth vs. Virginia, 3 Dall. (U. S.) 378.

State ex rel. Wineman vs. Dahl, 6 N. D. 81; 68 N. W. 418; 34 L. R. A. 97.

Warfield vs. Vandiver, 101 Md. 78; 60 Atl. 538; 4 Am. & Eng. An. Cases, 692.

There is an exhaustive note appended to the last case cited in the Annotated Cases stating the general rule as above and citing a number of cases. The note further says:

“However, the usual practice seems to be to observe in the case of proposed amendments the usual formalities relating to ordinary legislative bills.”

In Nebraska a constitutional amendment was proposed by a bill and the question was raised, as to whether the amendment was properly adopted. The court held that it was, but *arguendo* the court said that submission to the governor was not necessary as to the amendment itself.

In re Senate File, 25 Neb. 864; 41 N. W. 981.

In South Dakota an amendment was submitted by resolution, but this question was not raised or passed upon.

Lovett vs. Ferguson, 10 S. D. 44; 71 N. W. 765.

Our own court had before it an amendment submitted by bill. Other questions were raised, but not the question of whether it should have been by joint resolution.

State ex rel. Hudd vs. Timme, 54 Wis. 318.

“There seems to be a difference of view as to the necessity of the approval of the executive officers.”

8 Cyc. 723.

After a careful consideration of the foregoing authorities I am satisfied that an amendment may be proposed by joint resolution and that such resolution is sufficient until the two legislatures have agreed to the amendment. Upon such agreement having been reached, how should it be submitted to the people?

"It will be remarked that the power to propose an amendment to the constitution is vested in the two houses,—senate and assembly,—and if two-thirds [in Wisconsin a majority] of all the members elected to each of the two houses vote in favor thereof, it shall be the duty of the legislature to submit such proposed amendment or amendments to the people to be voted thereon. The proposal of the amendment or amendments is not by the legislature, as such, in the ordinary enactment of the law, and with the proposal the governor has nothing to do. The act is that of two thirds [in this state a majority] of each branch of the legislature. But the matter of submitting the proposed amendment or amendments to the vote of the people is quite different. That is to be done by the legislature, by a law to that effect, and in the enactment of a law the governor is a part of the law-making power."

Hutch vs. Stoneman, 66 Calif. 632; 6 Pac. 734.

In the Nebraska case hereinbefore cited, the court said that if the amendment had been proposed by resolution and agreed to in that form, it would then have been necessary to pass a bill to submit it to the people.

See also 6 *Am. & Eng. Ency. of Law* (2nd ed.) 906.

It appears clear to me that the determination of the manner and time of submission should be made by bill providing for such submission.

Very truly yours,

W. C. OWEN,
Attorney General.

JUNE 12, 1913.

Honorable F. M. WYLLIE,
Chief Clerk,

Senate Chamber, Capitol.

Dear Sir:—In your favor of June 10th, you state that:

"An index of sections affected by laws enacted at this session is kept up in my office and when it is discovered that a senate bill appearing on the senate calendar for engrossment or third reading affects a section of the statutes which has already been amended or touched in some other manner by an act passed at this session, a chief clerk's correction is drafted and entered in the journal pursuant to the provisions of senate rule 32, amending the pending bill so as to make it conform to the act passed at this session.

"Such act generally changes the wording of the section of the statutes which is sought to be amended by the pending bill so that the bill no longer complies with subdivision 8 of joint rule 7 of the legislature, * * * in that it does not directly state the wording of the statute as it really exists and does not strike out with a line through the words such

matter as is omitted, nor underscore such matter as is new and foreign to the existing statute.

"In order to make such pending senate bill comply with subdivision 8 of joint rule 7, we have followed the practice of making chief clerk's corrections pursuant to senate rule 32, which reads as follows: * * * so as to make the bill show the statute as changed during this session, and also show the matter stricken out or inserted.

Does senate rule 32 give the chief clerk the power and authority to make such changes?"

Senate rule 32, as found on pages 26 and 27 of the Senate Manual for 1913, provides:

"(1) Minor clerical errors in any bill, memorial, or resolution, such as errors in orthography or grammar, or the use of one word for another, as 'affect' for 'effect,' wrong numbering or references, whether such errors occur in the original bill or in any amendment thereto, shall be corrected by the chief clerk as a matter of course upon the approval of the chairman of any committee to which the bill was referred.

"(2) The chief clerk shall, with the approval of the author of the bill, insert the enacting or usual enabling clause in any bill before its passage if the same shall have been omitted. He shall also, when necessary, amend titles of all bills so that they will show the sections affected, the subject to which the bill relates, and the making of an appropriation, if such is made by the bill.

"(3) Any corrections made by the clerk under this rule shall be noted by him upon the journal.

"(4) Webster's New International Dictionary shall be the standard."

It is apparent that, if you have the power to make the changes referred to, it is because they are corrections of "minor clerical errors." A clerical error is defined to be "an error made in copying or writing"—Webster's New International Dictionary. See also *Bostwick v. Van Fleck*, 106 Wis. 387, 390. Such an error is obviously one of form rather than of substance. The correction referred to do not seem to be of that class. If made, it would be on the assumption that the legislature did not intend by the later act to effect an amendment in a law made by a prior act of the same session. This would, of course, frequently be contrary to fact. See sec. 4075 of the statutes, as amended by chapter 332 and section 44, ch. 664, laws of 1911; *State vs. Law*, 150 Wis. 313, 325, 329; and chapter 349, laws of 1913.

"The law is well settled that all provisions of a former section not found in a revised section are repealed." *Bentley v. Adams*, 92 Wis. 386, 391. For example, sec. 997, R. S. 1878, was amended by ch. 58, laws of 1885, by adding a proviso. Sec. 5, Ch. 161, laws of 1885 amended. sec. 997 "so as to read as written in said section 5, chapter 161, and that section omits the proviso added to it by chapter 58; so that according to the rule

adopted by this court in the construction of statutes, the proviso is repealed." *State ex rel Terry v. Keaough*, 68 Wis. 135, 144.

Consequently, it seems clear to me that the suggested changes in a pending bill are not merely clerical, but are so material that they should be made only by the legislature itself in the form of amendments duly offered and passed. Such changes are not the correction of "minor clerical errors" within Senate rule 32, in that they are not necessarily "errors" and in addition they are clearly not "minor", nor "clerical."

You also ask:

"In the case of assembly bills awaiting action on the senate calendar and conflicting with acts passed at this session, has the chief clerk power and authority under rule 32 to make the changes necessary to make such bills conform to the act, and if such changes are made in the senate after the assembly has passed the bill, is the bill valid without any specific action on the part of the assembly concurring in the changes made by the senate chief clerk?"

Clearly, you have not the power and authority to make the suggested changes, for both branches of the legislature must pass the same bill in order that it may become a law. *State v. Wendler*, 94 Wis. 369, 374. Mere clerical differences would probably not affect the validity of the law, but, as pointed out, the changes referred to are not in form merely, but of substance.

You also ask:

"In instances where a bill has passed both houses and a conflict with an 1913 act is discovered in the enrolling, has the chief clerk power and authority to make the required changes before the bill is enrolled, and if such changes are made, is the bill that goes to the governor the same one as was passed by the legislature?"

It follows from what I have already said that such changes may not be lawfully made. Where a later act conflicts with an earlier, the later operates to supersede or impliedly repeal the earlier and any change made in the later act to avoid such conflict is, of course, a material change—an act of legislation. Such change can be made only by the legislature itself.

I appreciate that in many instances time and expense would be saved if changes such as you refer to could be made by you, but it is perfectly clear to me that you have no power to make changes which plainly may result in legislation entirely different from that actually acted upon by the legislature. It is of far greater importance that no acts which have not in fact been passed by the legislature should be given the semblance and form of laws, than that a little time and expense should be saved in their passage.

Yours very truly,

W. C. OWEN,
Attorney General.

JUNE 20, 1913.

Honorable F. M. WYLLIE,
Chief Clerk,

Senate Chamber, Capitol.

Dear Sir:—In your favor of June 19th you refer to my opinion of June 12th and attract my attention to subdivision 8 of joint rule 7 of the legislature, which is as follows:

“All bills proposing amendments shall indicate the changes desired by showing the matter to be stricken out with a line through the words or part to be omitted, and all new matter with underscoring or italicizing of the part inserted. The portions to be left unchanged shall be presented in ordinary type-writing or by Roman type, as required by section 20.08 of the statutes.”

You request my opinion as to whether such rule makes any difference in my opinion as to your power to correct “minor clerical errors” (senate rule 32) under the following circumstances:

(1) Where a bill is offered which fails to comply with subdivision 8, joint rule 7, but such failure is not discovered until after the bill has been ordered engrossed and after the stage where amendments are in order;

(2) Where a bill is passed by the assembly and messaged to the senate and while in the senate committee another bill amending the same section of the statutes is signed by the governor and becomes a law, whereupon the bill pending in the senate committee ceases to comply with subdivision 8, joint rule 7;

(3) Where a senate bill is passed by both houses and while in the senate enrolling room it is discovered that, since the introduction of the bill and some time during its consideration in the legislature, another bill amending the same section has been passed and become a law so that the bill in the enrolling room no longer conforms to subdivision 8, joint rule 7.

You point out that subdivision 8, joint rule 7, is of comparatively recent origin, and that members of the legislature rely upon it to show what changes are made by a pending bill in sections of the statutes amended thereby, and that “if a bill goes through and becomes a law without any one, even in the executive office, receiving that notice, which subdivision 8 of joint rule 7 provides, of the changes which are made in the section, it opens a way for the repeal of a provision by indirection and without the notice provided in this particular rule and upon which everyone having to do with the passage of the bill depends.”

Section 8, joint rule 7, was considered in writing the previous opinion. It has no bearing on the question of your power to correct minor clerical errors, for it does not purport to give you or any other person power to make any changes in a bill. The rule is one merely for the guidance of the legislature and compliance therewith is not essential to a valid enactment. Thus, the supreme court of Wisconsin has said that when it appears that an act was passed in accordance with constitutional requirements

" * * * no inquiry will be permitted to ascertain whether the two houses have or have not complied strictly with their own rules in their procedure upon the bill, intermediate its introduction and final passage. The presumption is conclusive that they have done so. We think no court has ever declared an act of the legislature void for noncompliance with the rules of procedure made by itself, or the respective branches thereof, and which it or they may change or suspend at will. If there are any such adjudications, we decline to follow them."

McDonald v. State, 80 Wis, 407, 412.

As pointed out in my previous letter, if changes were made in any of the three cases above stated, it would be on the assumption that if the members of the legislature were appraised of the fact that the pending bill in effect repealed an act already passed by the same legislature, the pending bill would be changed to conform to the previous act. This may or may not be true. It is possible that some members may vote for the pending bill because it restores the language of a section of the statute as it stood prior to its change by a previous act of the same legislature. In most cases the assumption is probably true that the legislature does not intend to do away in this indirect manner with a prior amendment to the section involved, but it seems to me plain that the change in the later bill is one of such moment that it cannot be regarded as correcting a minor clerical error.

When it is discovered that a bill fails to comply with sub-div. 8, Joint Rule 7, the attention of the legislative body in which the bill is pending should be called to that fact, and if this situation is brought to the attention of the legislature it might be considered wise to amend the joint rules so as to make it the duty of the various clerks to report all cases where bills fail to comply with subdivision 8, Joint Rule 7, as soon as discovered. If this were done, the legislature could rely on the printed bills and such reports as showing the exact changes made in existing laws by such bills and could then take action by way of amending or refusing to amend any pending bill so as to repeal or leave unrepealed a prior amendment to the same section affected by the pending bill.

Yours truly,

W. C. OWEN,
Attorney General.

July 19, 1913.

HONORABLE THOMAS MORRIS,
Lieutenant Governor,
Capitol.

Dear Sir: I have your communication of the 19th instant, in which you state that at twelve o'clock to-day (Saturday), while under call, Senator Teasdale made this motion: "I move that the

senate now adjourn;" that the motion was put and carried; and you desire to know to what time the senate adjourned.

Senate Rule No. 15 provides:

"The hour for the meeting of the senate shall be at ten o'clock a. m. unless a different hour shall be prescribed by motion or resolution. This rule may be changed by resolution or motion adopted by a majority vote."

It is the universal construction that, when the senate adjourns under such a motion, it stands adjourned until the next day. In this instance the next day is Sunday, and the question is, whether the senate, upon adoption of this motion, stood adjourned until Sunday or until Monday.

There seems to be sufficient precedent to the effect that the Senate might hold a session and transact business on Sunday if it so desired. I think, however, that in this state such a thing has never occurred, and to hold a session of the Senate on Sunday would be contrary to all precedent, custom and usage and shocking to the public sense of propriety. While, as above stated, there seems to be precedent for the right and authority of the Senate to hold a Sunday session, yet, no presumption that a Sunday session is intended should be indulged and, in my opinion, to bring about a Sunday session, a plain, unequivocal expression upon the part of the Senate should be required. In the absence of such plain affirmative expression of the Senate, the universal custom and usage should be followed, and I have no hesitancy in saying that, under the circumstances stated in your letter, the Senate stood adjourned until the next secular day, which is Monday.

Yours very truly,

W. C. OWEN,
Attorney General.

SENATE MANUAL

· WISCONSIN, 1913

**Rules of the Senate, and Joint Rules, With
Extracts From Jefferson's Manual,
Precedents of the Senate, and
Notes by the Compiler**

F. M. WYLIE

Chief Clerk of the Senate

**Also Extracts of the State and Federal Constitutions; and the
State and Federal Statutes, Affecting the Powers, Duties, and
Procedure of the Legislature, and the Privilege of its Members;
the Rules of the Assembly; Directory of the Senate and As-
sembly; and the Location of State Offices.**

MADISON, 1913

PARLIAMENTARY LAW ON MOTIONS AND QUESTIONS

Adjourn (a) (c) (d).
Adjourn, fix the time when to (a)
Amend
Amend an amendment (c)
Amend the rules (e)
Appeal, relating to indecorum, etc. (c) (f) (a)
Appeal, all other cases (c) (f)
Call to order (c) (f) (a)
Close debate, motion to
Commit or refer (b)
Extend the limits of debate, motion to (e)
Fix the time to which to adjourn (a)
Leave to continue speaking after indecorum
Lay on the table (a) (c)
Limit debate, motion to
Objection to consideration of a question
Orders of the day, motion for the
Postpone to a certain time
Postpone indefinitely (b) (c)
Previous questions (a) (c)
Priority of business, relating to
Privilege, questions of
Reading papers
Reconsider a debatable question (b)
Refer (same as commit) (b)
Reconsider an undebatable question (a) (c) (d)
Rescind
Rise (in committee equals adjourn)
Special order, to make a
Substitute (same as amend)
Suspend the rules (a) (e)
Take from the table (a) (c)

PRIVILEGED DURING DEBATE.

1. To adjourn. (a)
 2. To lay on the table. (a)
 3. For the previous question. (a)
 4. To postpone to a day certain.
 5. To commit to a standing committee.
 6. To commit to a select committee.
 7. To amend.
 8. To postpone indefinitely.
-
- (a) Nondebatable.
(b) Open main question to debate.
(c) Cannot be amended.
(d) Cannot be reconsidered.
(e) Requires a two-third vote.
(f) In order when another has the floor.

ORDER OF BUSINESS

1. Call of the roll.
2. Correction of the journal.
3. Motions may be offered.
4. Introduction and reference of resolutions.
5. Introduction and reference of bills.

6. Petitions and communications.
7. Reports of standing committees.
8. Reports of special committees.
9. Executive communications.
10. Messages from the assembly.
11. Motions for consideration.
12. Resolutions may be considered.
13. Bills and resolutions ready for engrossment.
14. Bills and resolutions to be ordered to a third reading.
15. Bills and resolutions ready for third reading.
16. Special order.

FOREWORD

The purpose of parliamentary law in a legislative body is to make effective the will of the majority of that body, while preserving the rights of the minority upon any question. But back of this is a larger purpose—to make the legislative body reflect in all its acts the will of the larger body which it represents, the people.

In the last few years the senate of Wisconsin has taken long strides in simplicity of procedure, publicity of proceedings, and efficiency of service.

The increased efficiency of service is due to the advance in the other two lines, and to more adequate organization of both the members and the employees.

The increase in publicity is due to the anti-lobby law, to the rule which requires open record of all committee meetings, and to added provisions for the assistance of newspaper representatives.

The increase in simplicity of procedure is due to the gradual revision of the rules, extending through several sessions. The rules contained many practices obsolete in their usefulness. Most of these have been eliminated, and their places taken by simple, direct methods, without losing any of the necessary safeguards which parliamentary law throws about legislation.

In 1913 the senate rules were given a thorough overhauling. Many obsolete rules were stricken out, others were made adequate to modern practice, and all were rearranged into a more logical order.

The compiler of this manual had occasion, during the session of 1911, to make a thorough and detailed study of the rules of all the state legislatures, in connection with the rules and precedents of the United States Senate and House of Representatives. He believes that the rules of the Wisconsin senate now excel the rules of either branch of any other state legislature.

The Wisconsin senate has for years adopted Jefferson's Manual as its parliamentary law, where not in conflict with its own rules. The practice, however, is necessarily much different from legislative practice in the days of Jefferson; and examination from time to time, of Jefferson's Manual and the practice showed that many of the more recent practices which had grown up without rules, were irregular under Jefferson's Manual, although effective and open to no other objection. A gradual amendment of the rules has written in most of these new practices, thus superseding the provisions of Jefferson's Manual.

The extracts of Jefferson's Manual that are incorporated as annotations to the senate rules in this compilation include all of the manual which is not now obsolete in the practice of the senate. In all cases it has not been possible to separate the obsolete from that which is still applicable; but very little of the obsolete has been included.

The senate precedents have been obtained from the senate journals, running back to the session of 1897. Prior to 1909 no record was required to be kept of points of order and decisions, so that prior to that year but few precedents are recorded.

Sharp parliamentary practice is not the custom in the Wisconsin senate; neither is personal privilege regarded beyond the point of fairness. The procedure is frank and open, direct and business-like, where neither parliamentary technicality nor exaggerated courtesy may thwart the evident will of the majority.

For this reason, the advantage to a senator of knowledge of the rules and of parliamentary law is likely to be overlooked or underestimated. Certain and quick knowledge of every move in order at every stage of a proposition often enables a senator to gain an important point, and causes his less well posted opponent to lose.

RULES OF THE SENATE

With Extracts from Jefferson's Manual, Precedents of the Senate, and Notes.

Jefferson's Manual (1)—Most Material That There be Rules. And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker, or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

PRIVILEGES OF MEMBERS AND OFFICERS.

Jefferson's Manual (2)—Member Cannot Waive. The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House.

Jefferson's Manual (3)—Committee Cannot Proceed against Member. When a committee is charged with an inquiry, if a member prove to be involved, they can not proceed against him, but must make a special report to the House; whereupon the member is heard in his place, or at the bar, or a special authority is given to the committee to inquire concerning him.

Jefferson's Manual (4)—How Charge against Member Prosecuted. If a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that to what points he is to direct his exculpation, he may be heard to those points before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order or matter arising in the debate, then the charge must be stated (that is, the question must be moved), himself heard, and then to withdraw.

Jefferson's Manual (5)—Observance of Privilege between Houses. Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.

OFFICERS—ELECTION AND DUTIES.

Senate Rule 1. Senate called to order by Lieutenant governor. The lieutenant governor of the state, who, by the 8th section of the 5th article of the constitution, is constituted ex officio president of the senate, shall, when present, take the chair at the hour fixed for the meeting of the senate, when he shall call the senators to order, who shall

thereupon take their seats, and remain with their heads uncovered, while the senate remains in session.

[*3] ***Senate Rule 2. President pro tem.; not excused from voting.** The senate shall elect a president pro tempore, for the session, who shall possess all the powers and prerogatives of the president of the senate in the absence of the president, and in the absence or inability of the president pro tem., to preside, the president shall have the right to name any senator to perform the duties of the chair temporarily, and who shall be invested, during such time, with all the powers of the president; but no senator shall be excused from voting on any question by reason of his occupying the chair, nor shall such substitute's authority as presiding officer, except to the president pro tem., extend beyond a day's adjournment of the senate.

Senate Rule 3. May call member to chair. The presiding officer may call a member to the chair, but such substitute shall not extend beyond an adjournment.

Senate Rule 4. Temporary presiding officer. In the absence of the presiding officer, one of the members shall be elected to preside temporarily, until the return of the regular presiding officer.

Senate Rule 5. Duties of presiding officers. It shall be the general duty of the presiding officer:

To open the session, at the time to which adjournment is taken, by taking the chair and calling the members to order;

To announce the business before the senate in the order in which it is to be acted upon;

To receive and submit, in the proper manner, all motions and propositions presented by the members;

To put to vote all questions which are regularly moved, or which necessarily arise in the course of proceedings, and to announce the results;

To restrain the members while engaged in debate, within the rules of order;

To enforce on all occasions the observance of order and decorum among the members;

[*4] ***To inform the senate when necessary, or when referred to for that purpose, on any point of order or practice;**

To receive messages and other communications from other branches of the government, and to announce them to the senate;

To authenticate by his signature, when necessary, all the acts, orders and proceedings of the senate over which he presides;

To name the members, when directed to do so in a particular case, or when it is a part of his general duty by these rules, who are to serve on committees; and in general

To represent and stand for the body over which he presides, declaring its will, and in all things obeying its commands. Every officer of the senate is subordinate to his presiding officer, and, in all that relates to the discharge of his several duties, is under his supervision.

Senate Precedent (1).—Members must remain at seats during vote. On Jan. 28, 1909 (pg. 111, senate journal), in joint convention, the president (Lieut. Gov. Strange) ruled that all members must remain at their seats during voting by roll.

Jefferson's Manual (6).—President Must Put Question. It is a breach of order for the Speaker to refuse to put a question which is in order.

Senate Rule 6. Election and Duties of Chief Clerk. A chief clerk of the senate shall be elected at the commencement of each session, to hold his office at the pleasure of the body electing him. He shall superintend the recording of the journal of the proceedings; the engrossing and enrolling of bills, resolutions, etc.; shall cause to be kept and prepared for the printer the daily journal of the proceedings. He shall permit no records or papers belonging to the legislature to be taken out of his custody otherwise than in the regular course of business; shall report any missing papers to the notice of the presiding officer, and generally shall perform, under the direction of the presiding officer, all duties pertaining to his office as clerk, and shall be responsible for all the official acts of his assistants.

[*5]

The general clerk shall be assistant chief clerk and shall have general supervision under the direction of the chief clerk and in his absence shall have all of the powers and duties of the chief clerk.

Note (1).—The chief clerk can make only minor typographical corrections in the journal after it is approved. At several sessions it was the practice for the chief clerk to assume responsibility for making important corrections in the journal after the journal had been approved. These corrections were necessary to make the journal record the exact proceedings taken and were often necessary to make valid the passage of a law. However, in 1911, the chief clerk of the senate, doubting his authority to make these corrections, addressed the following inquiry to Honorable Asher C. Hinds, Member of Congress, who was for years Parliamentary Clerk of the House of Representatives and author of Hinds' Precedents of the House of Representatives:

"What is the best parliamentary practice in the following case:

1. An error in the journal, we will say an omission of the record of the passage of a certain bill, is discovered some weeks after the journal for that day has been approved but before the permanent volume has been printed.

(a) The chief clerk of the senate orders the correction to be made by the printer so that the record for the day when the bill was really passed shall in the permanent volume read so as to conform to the fact and to the other records of the chief clerk.

(b) The Senate, by resolution entered in the journal on the day of its adoption, makes the same order as was made by the chief clerk under (a).

(c) The Senate, by resolution entered in the journal on the day of its adoption, corrects the record by such subsequent entry, but does not change the form of the journal of the day when the error was made from the form in which it was approved.

(d) The chief clerk notes the error in the journal of a subsequent day, thereby correcting the record, but not changing the form of the journal of the day when the error occurred from the form in which it was approved.

2. In case the chief clerk discovers an error in the journal of the day for which the journal has been approved, the discovery being made after the legislature has adjourned sine die, the same legislature never again to meet unless called in special session, the error nullifying an important statute, the journals of the legislature being, in Wisconsin, the constitutional record of the proceedings of the legislature, is it parliamentary for the chief clerk to order the correction made in the journal of the day when the mistake was made so as to make the journal accord with the fact?

The precedents which I find in "Hinds' Precedents" do not entirely clear up these questions which have been raised by a proposed revision of the Wisconsin printing laws. If [*6] you can find time to give this letter attention I will be deeply in your debt."

The following reply was received from Mr. Hinds:

"Unless your constitution and rules are different from any I have seen, I don't see how the Chief Clerk of a legislative body—or anyone else—can change a journal which the body itself has approved. A precedent on an analogous case, which seems to cover the principle involved is found in Volume 3, Section 2598, of the Precedents. Of course the body itself may change its journal at any time, may even make it fall to record a transaction which took place, although it ought not to do the latter."

Opinion of Attorney General of Wisconsin on same question, note on page *97.

Senate Rule 7. Election and duties of sergeant at arms. A sergeant at arms of the senate, shall be elected at the commencement of each session, to hold his office at the pleasure of the body electing him. It shall be his duty to execute all orders of the senate or its presiding officer, and to perform all the duties that may be assigned to him connected with the police and good order of the body; to exercise the supervision over the ingress and egress of all person to and from the chamber, and particularly to enforce

the provisions of Rule 12 of the senate rules relating to lobbyists and lobbying; to see that messages, etc., are promptly executed; that the chamber is properly ventilated and is open for the use of the members from 8 a. m. until 11 p. m., and to perform all other services pertaining to the office of sergeant at arms.

ORDER AND DECORUM.

Senate Rule 8. Presiding officer to preserve order; appeal. The presiding officer shall preserve order and decorum; may speak to points of order in preference to others, rising from his seat for that purpose; and he shall decide questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by leave of the senate. On appeal being taken, the question shall be: "Shall the decision of the chair stand as the judgment of the senate?" which question and the action thereon, shall be entered on the journal. All points [*7] of order raised and the decisions thereon shall be entered in the journal and shall be compiled and printed as an appendix to the journal and printed in the manual for the next session as annotations to the rules.

Note (2). Prior to 1911 the provision requiring points of order and decisions to be recorded in the journal was not a part of this rule, and no general record of this part of the proceedings was kept prior to 1909.

Arguments over a point of order arose early in the session of 1909, and upon motion the journal was directed to show all points of order and decisions thereafter during that session (Jan. 27, page 83).

In 1911 this was made part of the standing rule, and in 1913 the provision requiring the precedents to be compiled and printed as an appendix to the journal was added.

Jefferson's Manual (7)—When Question of Order to be Decided. A question of order may be adjourned to give time to look into precedents.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular.

But there are several questions which, being incidental to every one, will take place of every one, privileged or not; to wit, a question of order arising out of any other question must be decided before that question.

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supercedes the consideration of the original question, and must be first disposed of.

Senate Precedent (2). Points of order during voting are decided peremptorily. In joint convention Feb. 9, 1909 (pg. 208, senate journal); in joint convention Feb. 10, 1909 (pg. 228, senate journal); in joint convention March 1, 1909 (pg. 359, senate journal).

Senate Precedent (3). Point of order must be raised before result of vote is announced. On February 21, 1911, page 222, senate journal, a division was called for on concurring in a joint resolution. The president pro tem (Senator Martin) was in the chair and did not vote on division, but after the division had resulted in a tie and the number voting on each side had been announced the president pro tem announced that he voted in the affirmative and declared the resolution concurred in. Senator Randolph rose to a point of order that the president pro tem had not the power to decide a tie. The president (Senator Martin) held that the result having been announced the point of order could not be considered.

[*8] **Senate Precedent (4). Point of order must be made before question is put, when unanimous consent is granted.** On February 21, 1913, Senator Linley asked unanimous consent to move that the vote by which No. 59, S., was indefinitely postponed be reconsidered.

Such consent being given, Senator Linley moved that the vote by which No. 59, S., was indefinitely postponed, be reconsidered.

The president put the motion.

Senator Browne rose to a question of parliamentary inquiry: The senate having refused yesterday to reconsider this vote, can a motion to reconsider be entertained today, even by unanimous consent?

The president (Senator H. C. Martin) stated, that had such a point of order been made before the motion was entertained he would have ruled, but unanimous consent having been given Senator Linley to make the motion, and the motion having been made, entertained and put, such a point of order could not now be made.

Senate Precedent (5). Point has been ruled out of order when motion against which made was previously entertained and laid over. On April 14, 1897 (pg. 816, senate journal), the senate refused to order engrossed No. 189, S., by a viva voce vote. Later on the same day (pg. 820) Senator Dennett moved that the vote be reconsidered and his motion laid over, which was ordered. On April 15 (pg. 840), the question being upon the motion to reconsider, Senator Austin rose to a point of order that Senator Dennett did not vote with the majority. The president (Lieut. Gov. Baensch) felt the point not well taken, "having come too late."

Senate Precedent (6). Point of order has been made and sustained after motion against which it was made had prevailed. On March 24, 1909, (p. 489, senate journal) a large number of petitions having been sent to the clerk's desk, Senator Lyons moved that they be entered in the journal, without reading, and referred to committees. After the motion had prevailed, Senator Whitehead rose to a point of order that the effect of the motion was to abridge the right of the people to petition the legislature. The president held the point of order well taken, and the petitions were read.

Note (2). It might seem that the point to hold should have been made before the motion prevailed, but if it was unconstitutional to dispense with the reading, the senate action on the motion was of course nulled, although it is difficult to see how there could be any mandamus or redress. It would seem, however, that the printing of the titles of the petitions in the journal and the reference of the petitions to committees was full compliance with the constitution.

Senate Rule 9. Members not to leave senate, when. While the presiding officer is addressing the senate, or submitting a question, no member shall cross the floor, *or leave the senate; nor while a member is speaking, walk between him and the chair.

Senate Rule 10. Calling of yeas and nays. No member or other person shall visit or remain by the clerk's table while the yeas and nays are being called.

Senate Precedent (7). Members must remain at seats during vote. On Jan. 28, 1909 (pg. 111, senate journal), in joint convention, the president (Lieut. Gov. Strange) ruled that all members must remain at their seats during voting by roll.

Senate Rule 11. Reading and smoking during session. No member or officer of the senate shall read newspapers within the bar of the senate, or smoke therein while in session.

Senate Rule 12. Who may be admitted to the floor. Persons of the following classes, and no others, shall be admitted to that portion of the floor of the senate reserved to the members during the session thereof, viz.: the governor, lieutenant governor, members of the legislature, state officers, regents of the university, regents of the normal schools, members of congress, judges of the supreme court and other courts, and ex-members of the legislature. And none of the above shall have the privilege of the floor who are registered as lobbyists or engaged in defeating or promoting any pending legislation. No ex-senator or any other person who shall be directly or indirectly interested in defeating or promoting any pending legislation, whether registered as a lobbyist or not, shall have the privilege of the floor of the senate at any time. All editors of newspapers within the state and reporters for the press, who confine themselves to their professional duties, shall have the privilege of the floor of the senate, except that during the sessions of the senate such privilege shall extend only to the press lobby. The foregoing rule shall not be deemed to exclude such other persons as may be invited to seats on

the floor of the senate by a member or the presiding officer thereof.

[*10] **Senate Precedent (8).** Those not members are not permitted to enter upon the floor to endeavor to influence proceedings, even though former members. Jan. 28, 1909 (pg. 112, senate journal).

Note (3). The practice grew up for private interests to employ ex-members of the legislature as legislative representatives. These men had two advantages—their acquaintance and prestige as former members, and their privilege of the floor. The rule was amended to take away the privilege of the floor during sessions from such representatives, and in 1913, it was further amended so that no one engaged in defeating or promoting legislation is permitted on the floor of the senate at any time. This gives the senators the chamber to which they may retire and be undisturbed by the importunities of lobbyists. An attempt in 1913 to repeal this provision was defeated by a three to one vote.

Senate Rule 13. Privileges of senate to contestants for seats. Contestants for seats shall have the privilege of the senate until their respective cases are disposed of; the privilege to extend only so far as access to the chamber, during the time occupied in settling the contest.

Senate Rule 14. Disturbance in lobby. Whenever any disturbance or disorderly conduct shall occur in the lobby or gallery, the presiding officer shall have the power to cause the same to be cleared of all persons except members and officers.

ORDER OF BUSINESS.

Senate Rule 15. Hour for meeting. The hour for the meeting of the senate shall be at 10:00 o'clock a. m. unless a different hour shall be prescribed by resolution or motion. This rule may be changed by resolution or motion adopted by a majority vote.

Senate Rule 16. Roll call, quorum. Before proceeding to business, the roll of the members shall be called, and the names of those present and those absent shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction

[*11] of business; a smaller number, however, can adjourn; and shall have power to compel the attendance of absent members.

Jefferson Manual (8)—Effect of No Quorum on Question. When from counting the House on a division it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day.

Senate Precedent (9)—Upon roll call showing lack of quorum president has declared joint convention dissolved. March 1, pg. 359, senate journal. See also March 2, pg. 367.

Senate Precedent (10). Motion to dispense with roll call and to adjourn has been made and put as one motion. On April 13, 1903 (p. 677, senate journal), the senate having been just called to order, Senator Hatton moved that the roll call be dispensed with and a recess be taken until 8:30 p. m., which motion was lost. Senator McGillivray then moved that the roll call be dispensed with and the senate take a recess until 8:45 P. M., which motion prevailed.

Note: The necessity for dispensing with the roll call in making this motion was that the only power less than a quorum has is to adjourn or to compel the attendance of absent members. A minority cannot take a recess.

Note (4). In 1907 the president (Lieut. Gov. Connor) ruled that the best evidence of a quorum was the roll call and refused to acknowledge the Reed rule which permits the presiding officer to count into a quorum by sight members present but not answering the roll. At the end of the session the bill to establish a two cent passenger rate on certain railroads was bitterly opposed, with but seventeen senators, just a quorum, present. Upon the final vote, which was by yeas and nays, two senators sat in their seats and did not vote, seeking thereby to defeat the bill by breaking the quorum. The president overcame the difficulty without reversing his ruling and counting in the senators under the

Reed rule, by directing them in the name of the senate to vote, under the rule that each senator present shall vote. The senators complied rather than be in contempt of the senate and a quorum was secured on the roll.

Senate Rule 17. Leave of absence. No member or officer of the senate, unless from illness or other cause he shall be unable to attend, shall absent himself from the session during the entire day without first having obtained leave of absence.

[*12] **Senate Rule 18. Order of Business.** The order of business in the senate shall be as follows:

1. Call of the roll.
2. Correction of the journal.
3. Motions may be offered.
4. Introduction and reference of resolutions.
5. Introduction and reference of bills.
6. Petitions and communications.
7. Reports of standing committees.
8. Reports of special committees.
9. Executive communications.
10. Messages from the assembly.
11. Motions for consideration.
12. Resolutions may be considered.
13. Bills and resolutions ready for engrossment.
14. Bills and resolutions to be ordered to third reading.
15. Bills and resolutions ready for third reading.
16. Special order.

Jefferson's Manual (9)—Messages Received Under Any Order. Messengers are introduced in any state of business, except, 1. While a question is being put. 2. While the yeas and nays are being called. 3. While the ballots are being counted. The first case is short; the second and third are cases where any interruption might occasion errors difficult to be corrected. * * * Bills from the other House are received at all times, and receive their first reading as soon as the question then before the House is disposed of.

Note (5). The practice of the senate is to receive the message at any time, but to read it under the order "Messages from the assembly" when reached on the calendar, or if the order has been passed, after the calendar is finished.

Jefferson's Manual (10)—Orders of the Day. Orders of the day take place of all other questions, except for adjournment—that is to say, the question which is the subject of an order is made a privileged one.

[*13] **Senate Precedent (11).** A special order takes precedence of the regular order of business at the hour set.

On Jan. 30, 1913, the senate adopted Resolution No. 8, S., providing that at 10:30 o'clock a. m. on February 5 the senate should resolve into a committee of the whole to investigate the matters prescribed by the resolution.

The following entry appears in the senate Journal February 5, 1913:

At 10:30 o'clock a. m., Senator Randolph moved, that the senate resolve itself into a committee of the whole, under Res. No. 8, S.

Senator Browne asked that the senate return to order of business No. 14, before voting on the motion of Senator Randolph.

Senator Bosshard objected.

Senator Browne rose to a point of order that the motion to resolve into a committee of the whole was out of order because the calendar was unfinished.

The president (Lieut. Gov. Morris) held that the hour of 10:30 having arrived, under Res. No. 8, S., the point was not well taken.

Senate Rule 19. Daily Calendar; Committee of the Whole. All bills, resolutions, memorials, or other business, referred to a committee and reported by it to the senate, shall be placed upon the calendar under the proper order of business. The printed calendar shall be furnished to members at least twenty-four hours, exclusive of Sunday, before such calendar is acted upon. The calendar shall not be changed within that period. Unless otherwise ordered, an unfinished calendar of a preceding day shall be first in order as the unfinished business of the senate.

During the consideration of bills under the order of bills

and resolutions ready for engrossment or third reading, one-sixth of the members present may move that any bill or bills in said order of business shall be considered in Committee of the Whole, and at the close of said order of business, unless otherwise ordered, the senate shall resolve itself into a Committee of the Whole for the consideration of the bill or bills ordered to be so considered. The rules of the senate shall govern, as far as practicable, the proceedings in Committee of the Whole, except that a member may speak more than twice on the same subject, and that a call for the yeas and nays or for the previous question cannot be made in the committee.

[*14] **Senate Precedent (12).** The senate can resolve into committee of the whole only upon motion at the time.

The following entry appears in the senate journal for February 5, 1913:

Senator H. C. Martin rose to a point of order, that Res. No. 8, S., providing that the senate resolve itself into a committee of the whole, it was the duty of the president to declare the senate resolved into a committee of the whole and to name the chairman of the committee.

The president held that the senate can resolve itself into a committee of the whole only upon motion at the time it does so resolve into committee, and hence that the point was not well taken.

Senate Precedent (13). On one occasion senate resolved into a committee of the whole on motion made at prior time on same day.

On April 25, 1905 (pg. 862, senate journal), at 12 o'clock noon the committee of the whole arose and Senator Kreutzer moved that when the senate reconvene after recess it resolve itself into a committee of the whole, which prevailed. The senate then took a recess to three o'clock and on reconvening at three o'clock resolved into a committee of the whole. The journal contains no record of any motion for that purpose being made at three o'clock.

Senate Precedent (14). Motion to resolve into committee of the whole is debatable.

The following entry appears in the senate journal for February 5, 1913:

Senator Burke rose to a question of parliamentary inquiry, whether the question to resolve into committee of the whole is debatable.

The president answered that this motion was debatable.

Senate Precedent (15). Yeas and nays cannot be demanded in committee of the whole.

On February 5, 1913, in committee of the whole Senator Browne asked for the yeas and nays on a resolution he had offered. Senator Randolph rose to a point of order that the yeas and nays cannot be demanded in committee of the whole.

The chairman (Senator Scott) sustained the point of order.

On February 6, 1913, in committee of the whole Senator Kileen asked unanimous consent for the yeas and nays. No objection was made, but the chair ruled the request out of order.

Jefferson's Manual (11)—Form of Going into Committee. The sense of the whole is better taken in committee, because in all committees every one speaks as often as he pleases. They generally acquiesce in the chairman named by the Speaker; but, as well as all other committees, [*15] have a right to elect one, some member, by consent, putting the question. The form of going from the House into committee, is for the Speaker, on motion, to put the question that the House do now resolve itself into a Committee of the Whole to take into consideration such a matter, naming it. If determined in the affirmative, he leaves the chair and takes a seat elsewhere, as any other member; and the person appointed chairman seats himself at the Clerk's table.

Senate Precedent (16). On one occasion the president put question on chairman. On February 5, 1913, by common consent, after the senate had been declared resolved into a committee of the whole, the president (Lieut. Gov. Morris)

entertained and put a motion to elect Senator Scott chairman of the committee. No record of this appears.

Jefferson's Manual (12)—Quorum in Committee: Same as in Senate. Their quorum is the same as that of the House; and if a defect happens, the chairman, on a motion and question, rises, the Speaker resumes the chair and the chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee can not.

Jefferson's Manual (13)—How Messages Received in Committee. In the House of Representatives, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into the committee, without any question or interruption.

Jefferson's Manual (14)—The Committee Must Rise and Report. No previous question can be put in a committee; nor can this committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein; but not having had time to go through the same,

[*16] have directed him to ask leave to *sit again. Whereupon a question is put on their having leave, and on the time the House will again resolve itself into a committee.

Senate Precedent (17). Committee of the whole cannot take recess.

On February 5, 1913, in committee of the whole, Senator Randolph moved a recess. Senator Browne rose to a point of order that the committee of the whole could not adjourn or take a recess. Senator Randolph withdrew his motion.

Senate Precedent (18). Committee of the whole cannot postpone to a future date a subject it is sitting under instructions to consider.

On February 5, 1913, the senate was seated in committee of the whole under instruction to consider matters prescribed by Resolution No. 8, S. Senator Browne moved that the consideration be postponed one month. The chairman (Senator Scott) held the motion out of order. On appeal the decision of the chair was sustained, 23 to 4.

Senate Precedent (19). Committee of the whole must strictly follow instructions.

On February 5, 1913, in committee of the whole under instructions to consider matters prescribed by Resolution No. 8, S., which resolution specifically prescribed the method of investigation, Senator Culbertson moved that all statements in the inquiry should be made in brief and confined to certain information.

After discussion and the reading of the resolution of instructions from the senate, the chairman (Senator Scott) said "The chair will rule that the committee cannot go outside of the instructions in the resolution without going back to the senate and receiving new instructions. We will proceed strictly under the instructions as we have them from the senate. The motion is out of order."

Jefferson's Manual (15). A committee, even of the whole, cannot refer any matter to another committee.

Senate Precedent (20). Subcommittee to committee of the whole named to prepare findings.

On February 6, 1913, in committee of the whole, a subcommittee of three was appointed to prepare findings, Jefferson's Manual being construed to mean that the committee of the whole cannot refer to a standing committee of the senate, but not to prohibit the appointing of a special subcommittee. Senate rule 23 provides that committees may appoint subcommittees.

Jefferson's Manual (16)—Order in Committee of the Whole. A committee cannot punish a *breach of order in the House or in the gallery. It can only rise and report it to the House, who may proceed to punish.

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the committee was considered as thereby dissolved, and the subject again before

the House; and it was decided in the House without returning into committee.

Jefferson's Manual (17)—Final Report of Committee. If they have gone through the matter referred to them, a member moves that the committee may rise, and the chairman report their proceedings to the House; which being resolved, the chairman rises, the Speaker resumes the chair, the chairman informs him that the committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it.

The votes of a committee may be rejected or altered when reported to the House.

Senate Precedent (21). Committee of the whole of the two houses cannot be had.

On March 13, 1913, Senator Ackley offered a joint resolution for the consideration of woman's suffrage by the senate and assembly in joint committee of the whole in the assembly chamber. Senator Randolph rose to a point of order that there is no power for a joint committee of the whole. The president held the point well taken and the resolution out of order.

Senate Rule 20. Standing Committees of Senate. The following standing committees shall be elected by the senate as near the commencement of the session as may be, namely:

On Judiciary, seven members.

On Corporations, seven members.

On Education and Public Welfare, seven members.

On State Affairs, seven members.

Each of the above committees shall elect its own chairman.

[*18] *The president pro tem., who shall be chairman, and the respective chairmen of the committees on Judiciary, on Corporations, on Education and Public Welfare, on State Affairs, and the joint committee on Finance, and the chairmen of such special committees of the senate as shall be created during any session, shall constitute a committee on Legislative Procedure.

The senate shall elect, as soon as may be after the commencement of the session, five members to the joint committee on Finance, which members shall elect the chairman of said joint committee.

Note. In 1911, the senate committees were reorganized and reduced in number from twenty working committees to five. This gave each of the five committees a larger membership and placed each senator upon but one working committee. This resulted in wider consideration of measures in committee; gave the committee reports more weight on the senate floor, saving time there; and made possible continuous work by all of the committees and full attention to his committee work by each senator. Previous to that time it frequently occurred that, a senator being upon two or three committees, each committee would have an important hearing or executive session at the same time; and frequently committees were compelled to adjourn their meetings because of the absence of a quorum, the senators being in attendance on other committees of which they were members.

Senate Rule 21. Select or special committees. Select or special committees may be provided for on motion or by resolution, designating the number and object, and unless otherwise ordered, shall be appointed by the presiding officer.

Jefferson's Manual (18)—Committee May Choose Own Chairman. Standing committees, as of Privileges and Elections, etc., are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House.

[*19] ***Senate Precedent (22).** Senator first named on special committee is chairman.

On February 13, 1913, the following entry appears in the senate journal:

Senator Bosshard reported, that the special committee on Conservation was organized by the election of Senator Hustling as chairman.

The president held, that the action of the committee and the report were unnecessary; that when, under rule 21, special committees are appointed by the president, the senator first named on such committee is chairman, unless the committee elects a different senator chairman.

Senate Rule 22. Committee not to be absent. No committee shall absent themselves by reason of their appointment during the sitting of the senate, without special leave, except a committee of Conference.

Jefferson's Manual (19). So soon as the House sits, and a committee is notified of it, the chairman is in duty bound to rise instantly, and the members to attend the service of the House.

Senate Rule 23. Committee quorum; subcommittees. A majority of any committee shall constitute a quorum for the transaction of business. Subcommittees, who shall report to the regular committee, may be appointed to take charge of any part of the committee's business. Motion to reconsider may be made in committee, before the papers are reported to the senate, by any member who voted with the majority, or in case of a tie vote, by any member. Reference shall give the committee full power to act without reconsidering its former action.

Senate Rule 24. Business in committee; notice of meeting. All business referred to a committee shall be taken up within three weeks, and if not at once disposed of a time shall be fixed by the committee for the final hearing thereon and a report thereof made to the senate. At the end of each week each committee clerk shall report to the chief clerk the state of business in his committee, [20] which report shall be printed in the weekly bulletin provided by section 20.14 of the statutes. The day, hour, and place of hearing before any committee shall be posted on the bulletin board of each house, and such notice shall specify the number, author, and title of the bill or resolution to be considered.

Jefferson's Manual (20).—Committee Can Act Only in Regular Meeting. A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

Jefferson's Manual (21).—Committee Cannot Punish Disorder. Disorderly words spoken in a committee must be written down as in the House, but the committee can only report them to the House for animadversion.

Jefferson's Manual (22).—Examination of Witnesses. Common fame is a good ground for the House to proceed by inquiry, and even to accusation.

Witnesses are not to be produced but where the House has previously instituted an inquiry, nor then are orders for their attendance given blank.

When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or chairman, who repeats the question to the person, or says to him: "You hear the question—answer it." But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved or put or debated while they are there. Sometimes the questions are previously settled in writing before the witness enters. The questions asked must be entered in the journals. But the testimony given in answer before the House is never written down: but before a committee it must be, for the information of the House, who are not present to hear it.

[21] *If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody.

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar.

Either House may request, but not command, the attendance of a member of the other. They are to make the request by message of the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives

leave to the member to attend if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the peers are sitting as a court of criminal judicature they may order attendance, unless where it be a case of impeachment by the Commons. There, it is to be a request.

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct.

Senate Precedent (23). Addressing questions to chair in committee of the whole not strictly adhered to. In committee of the whole on February 5, 1913, Attorney Aylward for Mr. Ekern addressed questions directly to witness. Senator Browne rose to a point of order that in Jefferson's Manual questions must be addressed to the chairman and by him put to the witness.

The chairman (Senator Scott) said: "The chairman would not like to be made obligatory to be put to the hardship by any member of the committee of repeating the questions. It would be a hardship for the members and for the chair, and therefore the chair will rule that in this case counsel may put questions directly to witnesses and any member of the committee has right to object to the question put."

The chair further held that the questions would be repeated if any member made objection and not put until the question on the objection was decided.

Senate Rule 25. Calendar of committee hearings. The chairman of each senate committee shall, on or before Friday noon of each week file with the chief clerk his several daily calendars for the following week. Such calendars shall be printed in full in the joint weekly hearing [22] bulletin and also in the weekly bulletin of proceedings provided for in section 20.14 of the statutes. The clerk shall also include in the bulletin of proceedings a notice after the annotations on each bill, specifying the name of the committee, the date, and the hour of the hearing.

Senate Rule 26. Committee reports. The chairman of the committee to which any bill is referred shall report in concise form the action of the committee and the date thereof, and shall authenticate the same by his signature, e. g.:

The committee on report and recommend:

No. 24, S., (Synopsis of title) Passage.

No. 26, S., (Synopsis of title) Adoption of amendment No. 1., S., and passage.

No. 28, S., (Synopsis of title) Adoption of substitute amendment No. 1, S., and passage.

No. 30; S., (Synopsis of title) Indefinite postponement.

No. 32, A., (Synopsis of title) Concurrence.

No. 34, A., (Synopsis of title) Nonconcurrence.

.....
Chairman.

All committee reports shall be made in duplicate.

Senate Rule 27. Minority reports. Members dissenting from a report of a committee shall be so reported when they request it.

In case all the members of any committee required or entitled to report on any subject referred to them, cannot agree upon report, the majority or minority of such committee may each make a separate report; and any member dissenting in whole or in part from the reasonings and conclusions of both majority and minority, may also present a statement for his reasons and conclusions; and all reports upon, if decorous in language and respectful to the senate shall be entered at length on the journal.

[23] ***Senate Precedent (24).** A minority report cannot be made except at the time the majority report is made. On February 27, 1911, page 245, senate journal, Senator Gaylord offered a minority report from the committee on Education and Public Welfare on No. 29, A. Senator Weigle rose to a point of order that the minority report was out of order at that time because the majority report was filed on February 24, the bill thereby passing out of the jurisdiction of said committee or any of its members for the purpose of making any report thereon. The president (Senator Martin) held that the point of order was well taken and the minority report was not received.

Senate Rule 28. Bill to lie on table until both reports printed. In all cases where there shall be both majority and minority reports submitted to the senate, the bill, resolution, memorial, or other matter reported upon, shall lie upon the table until the reports thereon shall have been printed in the journal and laid upon the desks of the members.

BILLS, RESOLUTIONS, ETC.—PROCEDURE.

Senate Precedent (25). An assembly joint resolution virtually identical with a senate joint resolution which has been rejected has been considered. On April 16, 1903 (pg. 728 senate journal), Jt. Res. No. 12, S., relating to U. S. senators by direct vote was indefinitely postponed. Jt. Res. No. 18, S., which was a call to Congress for a constitutional convention to amend the constitution to provide direct election of U. S. senators was then adopted. Immediately following, Jt. Res. No. 4, A., relating to the election of U. S. senators by direct vote and a virtual duplicate of Jt. Res. No. 12, S., except that the senate resolution contained a preamble and the assembly resolution did not, was considered and non-concurred in.

Senate Precedent (26). A senate bill identical with assembly bill which has been rejected by senate has been ruled out of order. June 2, 1909 (pg. 952, senate journal), President, Lieut. Gov. Strange.

Senate Precedent (27). Assembly bill identical with other assembly bill, previously acted upon, has been ruled out of order, after action on the bill had been taken.

On June 3, 1909 (p. 972, senate journal), No. 882, A., was on the calendar. The senate had previously received the bill, referred it to a committee which recommended it for non-concurrence, had nonconcurred in the bill, and after [24] it had been messaged to the assembly, had requested its return, and upon its receipt had reconsidered the vote by which it was nonconcurred in and had then laid it over. Senator Owen rose to a point of order, that the bill was a duplicate of another assembly bill that the senate had already acted upon.

The president (Lieut. Gov. Strange) held the point well taken and ordered the bill returned to the assembly without further action.

Note (6). Under Jefferson's Manual, a bill once rejected, another shall not be brought in at the same session, but the Manual is specific that this rule does not apply to a senate bill identical with a previously rejected assembly bill. The Manual does not take up the other side of the situation, however, and say whether the rule applies to an assembly bill identical with a previously rejected senate bill, but the same reasoning would seem to be pertinent in each case, and the rule would seem to be—(1) A senate bill identical with a previously rejected senate bill is out of order, but (2) a senate bill identical with a previously rejected assembly bill is in order, and (3) an assembly bill identical with a previously rejected senate bill is in order. While the precedents of the senate when points of order have been made do not conform to this rule, yet the practice of the senate in innumerable cases, no question being raised, is in conformity with the rule.

Senate Precedent (27a). Point of order against proposed act on grounds of unconstitutionality not well taken. On Feb. 16, 1909 (p. 250, senate journal), Senator Lehr protested against No. 264, S., on the ground that the bill was unconstitutional. The president (Lieut. Gov. Strange) held the point of order not well taken.

Senate Precedent (28). Point of order against resolution has been made and sustained after the resolution was received, and a motion to lay on the table was entertained. On April 13, 1909 (pg. 556, senate journal), Senator Gaylord offered a substitute amendment to a memorial to congress. Senator Burke moved that the substitute amendment be laid on the table, and then by unanimous consent withdrew his motion. Senator Whitehead then rose to a point of order that the substitute changed the character of the memorial.

The president (Lieut. Gov. Strange) held the point of order

well taken and the substitute amendment was "refused admission."

- **Senate Precedent (29).** Bills vetoed and returned when the biennial or special session is closing and a quorum is no longer present, have been handled in various ways. On May 18, 1901 (pg. 1084, senate journal), the roll was called on a veto message and the journal shows the lack of a quorum, 14 voting. This just preceded adjournment sine die. Another veto message was before the senate, but upon the disclosure of the lack of a quorum the question was not put.

On May 23, 1903 (pg. 1289, senate journal), the following entry is made upon a veto message: "The question of a lack of quorum being raised the veto was sustained."

On June 21, 1905 (pg. 1685, senate journal), a veto message is entered and the journal shows no action whatever before adjournment sine die.

On July 16, 1907, (pg. 1291, senate journal), several veto messages were laid on the table.

On June 16, 1909 (pp. 1123 and 1124, senate journal) and on June 17, 1909 (pp. 1137 and 1138), at the close of the session for the day, the roll call having been dispensed with at the opening of the session, several veto messages were considered, the ayes and noes disclosing in each case the absence of a quorum, only 9 senators being present on June 16 and only 2 on June 17. The senate adjourned immediately after calling these rolls. On June 18, 1909 (pg. 1151), the veto messages of the governor and the bills were laid on the table.

On July 14, 1911 (pp. 1302 and 1306, senate journal), veto messages were laid on the table.

Senate Precedent (30). Senate cannot act without possession of the original papers. On March 12, 1913, Senator Bichler moved that a bill be recalled from committee, which motion prevailed.

Senator Bichler offered a substitute amendment to the bill. The president stated that the amendment could not be received until the bill was returned from the committee and on the clerk's desk, saying: "It is a dangerous practice to endeavor to act upon papers when they are not in the possession of the senate and on the clerk's desk, and it will be the rule of the chair that this senate cannot act upon papers unless they are on the clerk's desk." The bill was returned to the clerk's desk by the chairman of the committee, and Senator Bichler's substitute was then received.

Note (7). Speaker Henderson of the U. S. House of Representatives, in a ruling on June 26, 1902, said, "It has been repeatedly held and long ago threshed out that business cannot be done by this body unless the papers are in its possession." In answer to a parliamentary inquiry, whether the House could not, by unanimous consent, proceed, the speaker said, "Not without the original papers. The matters will go over until they are found." See Senate Precedent 82, page *61; Senate Precedent 84 page *62; note 27, page *63.

Senate Rule 29. Copies of bills, etc. Two carbon copies and an additional copy of the title page shall accompany the original of all bills, resolutions, joint resolutions, and memorials when first offered. After the second reading the original shall be marked by the clerk as such, one copy shall be delivered to the printer, and one copy kept on file at the clerk's desk.

Any employee who shall typewrite a bill, resolution, joint resolution, memorial, amendment, or motion to [20] be offered in the senate or in a committee, shall place his name on the lower left hand corner of the back thereof.

Senate Rule 30. Bill backs. There shall be attached to each bill or resolution sent to the clerk's desk a substantial back which shall be furnished by the clerk and which shall bear no writing except the number of the bill and the name of the person or committee introducing it and shall be enclosed in an envelope as provided in rule 31.

Senate Rule 31. Filing of bills, etc. The superintendent of public property shall provide envelopes of a suitable size to hold any bill, memorial or resolution and the papers pertaining thereto, respectively, without folding or rolling, and cases or drawers for the vertical filing thereof without fold-

ing. The clerk shall not file any paper for any purpose, the cover of which has been either folded or rolled. The clerk shall provide a substantial back for bills. Such envelopes and backs shall be distinguished from those of the assembly by color. The envelopes shall be properly printed and ruled to receive the notations of the clerk.

There shall be noted by the clerk, upon the envelope, the number and title of the bill or resolution, and the date of introduction, the name of the person or committee introducing it, and the committee of reference, and upon the cover the number of the bill or resolution and the name of the person or committee introducing it. The usual notations of either committee or clerk shall be made on the envelope and any paper placed therein shall bear the initials of the chief clerk and the date of its receipt.

Opinion of Attorney General on the purpose and use of these notations, note, p. *97.

Senate Rule 32. Clerical corrections to bills. (1) Minor clerical errors in any bill, memorial, or resolution, such as errors in orthography or grammar, or the use of one word for another, as "affect" for "effect," wrong numbering or references, whether such errors occur in the original [*27] bill or in any amendment thereto, shall be *corrected by the chief clerk as a matter of course upon the approval of the chairman of any committee to which the bill was referred.

(2) The chief clerk shall, with the approval of the author of the bill, insert the enacting or usual enabling clause in any bill before its passage if the same shall have been omitted. He shall also, when necessary, amend titles of all bills so that they will show the sections affected, the subject to which the bill relates, and the making of an appropriation, if such is made by the bill.

(3) Any corrections made by the clerk under this rule shall be noted by him upon the journal.

(4) Webster's New International Dictionary shall be the standard.

Senate Rule 33. Journal preface: reference to bills, resolutions, etc., in journal. The title to all bills, resolutions, joint resolutions and petitions, shall be arranged numerically and printed from day to day as a preface to the journal. All reference to any bill, resolution, joint resolution or petition either in the journal, or messages shall be by number only, excepting in the journal where the yeas and nays are entered. The clerk shall read the titles except where the senate directs otherwise, except that messages from the assembly, and messages of approval of bills by the governor, the chief clerk shall read by number, only, except where a member requests the title to be read.

Senate Rule 34. Bills first offered for revision. Before introduction bills and resolutions not privileged by rule 75 shall be offered for revision by filing at the clerk's desk at any time. Every bill offered shall be recorded by the clerk by a temporary number, which shall be known as a revision number, and be delivered by the clerk to the revision clerk, who shall return the same, if in proper form, marked O. K. with a conspicuous rubber stamp and signature of the revision clerk, within forty-eight hours, Sundays and [*29] days of adjournment *excepted. When such bill is thus returned to the clerk, it shall be read the first time and referred, unless otherwise ordered by the senate. Any recommendations of the revision clerk upon any bills delivered to him by the chief clerk under this rule shall be transmitted to the chief clerk within the same period of time, in a written report, and the clerk shall immediately deliver such bill and report to the member who submitted the bill. The member may, in his discretion, accept or refuse such recommendations, and may then offer the bill for first and second readings. Any bill not having been referred for revision which shall be ordered to a third reading shall then be so referred.

Note (8). The practice of having bills "revised" before introduction was inaugurated in 1907, when senators were required to submit their bills to the then joint committee on revision before introduction. The practice was confusing to the clerk, and an inconvenience to the senators. In 1911, the rule was amended so that bills were offered for revision

under a regular order of business for that purpose, given a temporary "revision" number, and revised by the revision clerk, no committee being appointed, the author being consulted upon any changes, and were then brought in for introduction without returning to the author. In 1913, the rule was further amended so that bills are offered for revision by filing at the clerk's desk at any time. This expedites the bills, and shortens the sittings of the senate by doing away with the offering and reading of the bills in session.

Senate Rule 35. Notations of bills affecting same section. The revision clerk, where bills submitted for revision are duplicate or identical in subject matter with other bills introduced in either house, shall make such notations in respect thereto on the corresponding bill envelopes of each house as will apprise any committee considering any such bill in either house of the bill in the other house. At the close of the sixth week of the session, the revision clerk shall proceed to note upon the envelope of each senate bill the numbers of other bills in either house affecting the same section of the statutes, and, in so far as practicable, the numbers of other bills in either house, affecting the same subject matter, where such bills affect other sections of the statutes. Upon the receipt of the assembly bills in [*20] the senate the revision clerk shall make similar notations upon these bills, if such notation has not previously been made. For the purpose of carrying out these provisions, the revision clerk shall have access to the bills in the hands of each senate committee, and shall be assisted by the respective committee clerks.

Note (9). The part of this rule providing for annotations upon bills of all other bills conflicting in section and in subject was added in 1911. The purpose was to give notice of the other bills at the time the bill annotated was being considered in committee and upon the floor, so that senators might be apprised of the other bills, and to prevent the repeal of one bill by another passed later in the session amending the same section but failing to incorporate the amendment of the bill passed earlier. It was not possible to carry out this provision of the work in 1911 because of the lateness with which the assembly index was completed. The rule was permitted to stand in 1913 until a practical way of accomplishing its purpose could be worked out and a new rule written. The plan worked out is expressed in the following, which is suggested in place of Rule 35 when the rules are again adopted.

"A card index of sections and subjects affected by senate bills and by assembly bills messaged to the senate and by laws enacted shall be compiled by the index clerk and be kept complete for bills and amendments during the session. Resolutions shall also be indexed. The subject and section index of senate bills and laws enacted shall be kept at the clerk's desk in the chamber and printed in pamphlet form early in the session, supplement thereto being printed each week thereafter in the weekly bulletin. A card index of the subjects affected by the senate and assembly bills referred to each committee shall be kept in the committee room. Each committee clerk shall ascertain from the printed indices of the senate and assembly before action by the committee upon any bill whether other bills amend the same section or affect the same subject, and if a law has been enacted at the then session affecting the same section or upon the same subject, and apprise the committee when the bill is under consideration. The chief clerk shall keep a similar check upon all bills on the senate calendar. The index clerk shall also compile a card index of senate bills, and assembly bills messaged from the assembly, according to the author, a file of this author index on senate bill to be kept at the clerk's desk in the chamber, and a file of the author index on the bills referred to each committee to be kept in the committee room. The index clerk shall also compile a card index of lobbyists registered in the office of the secretary of state and of the employers of such registered lobbyists, these indices to be kept at the clerk's desk in the senate chamber."

An index of the lobbyists is also being kept at this session in each committee room.

Senate Rule 36. Time for new bills by members. The time for the introduction of new bills and resolutions [*30] not privileged by rule 75 by members shall expire with the close of the fifth week of the session. A bill offered for revision within this period shall be entitled to be introduced whenever corrected to conform to the rules.

Senate Rule 37. New bills after fifth week. If a member or committee desires to introduce a bill after the close of the fifth week of the session, such bill shall, after receiving the O. K. of the revision clerk, be delivered to the committee on Legislative Procedure of the senate, which shall, within forty-eight hours, report thereon, recommending that the bill be received or rejected. Such report shall stand as the action of the senate unless the senate on motion shall order otherwise.

Note (10). In conformity with the general revision of the rules to expedite procedure by cutting out formalities upon clerical details, this rule was amended in 1913 so that instead of formal reference to the committee on Legislative Procedure being made in session, the bill is delivered directly and immediately by the clerk to the committee.

Jefferson's Manual (23)—New Bills Prohibited near Close of Session. When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes comes to a resolution that no new bill be brought in, except it be sent from the other House.

Senate Rule 38. Time allowed revision clerks. The chief clerk shall report out all bills from the revision room by the close of the sixth week of the session unless otherwise ordered by the senate.

Senate Rule 39. Printed bill, etc., to be on file one day before action. All bills, resolutions and memorials, and substitute amendments thereto, that shall be printed, shall remain at least one day on the files, after being printed, before being considered, provided that this rule shall not affect any bill, resolution, or memorial, which has privilege by rule 75 of immediate consideration. If [*31] the rules be suspended for the consideration of any bill, resolution, or memorial, before such bill, resolution, or memorial has been printed, the same shall be read at length at least once before its final passage, and this rule shall not be suspended without the unanimous consent of the senate.

Senate Precedent (31). Rule does not apply to amendments other than substitutes or to those substitute in form only. Page 325, senate journal, March 14, 1911, Senator Randolph rose to the point of order that the bill must lie over until an amendment was printed. The president (Senator Martin) held that the point of order was not well taken.

On March 22, 1911, page 478, senate journal, Senator Gaylord offered a substitute amendment to a joint resolution, and the president stated that under the rules the resolution would lie over for the printing of the substitute. Senator Blaine rose to a point of order that the substitute amendment was a substitute in name only, and that it was in reality simply an amendment, in that the change made was easily perceived from the reading of the amendment. The president (Lieut. Gov. Morris) held that the point of order was well taken.

Senate Rule 40. Three several readings. Every bill and resolution not privileged by rule 75 shall receive three several readings by title except where otherwise provided previous to its passage, but shall not receive two readings on the same day.

Note (11). The practice of first and second readings before reference, coming down from the time when only one copy of the bill was extant, and the question of rejection was put after the first reading, was obsolete in its usefulness long before it was rejected by the senate, which was not until 1913, although it had been discarded by Congress long prior. In 1913, the readings were amended so that the bill is read first time and referred, read second time before further action, and read third time before passage. This places one of each of the readings at one of the times when the bill must be read as an announcement of its being before the senate, and abolishes unnecessary repetition.

Jefferson's Manual (24)—Equivalent Questions. If, on a question for rejection, a bill be retained, it passes, of course, to its next reading. And a question for a second reading determined negatively, is a rejection without further [*32] question. Where questions are perfectly *equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other.

Senate Precedent (32). Refusal to indefinitely postpone advanced bill. On March 6, 1913, the senate refused to indefinitely postpone No. 160, S., and the president declared the bill ordered engrossed and read a third time. Senator Hustling rose to a question of parliamentary inquiry, whether the question on ordering engrossed should not be put. The president (Senator True) held that the refusal to indefinitely postpone ordered the bill engrossed and read a third time.

Note (12). If the house is equally divided on the question for rejection (the lieutenant governor being absent), rejection fails, but the bill is not thereby advanced, for "the former law is not to be changed but by a majority."

Senate Rule 41. First reading; reference to committee. On the first reading, every bill or memorial requiring three readings shall be referred to the appropriate committee, which shall be announced by the presiding officer, unless the senate, on motion, make a different order in relation thereto; and this rule shall apply as well to bills, resolutions, and memorials originating in either house.

See annotation under rule 40.

Senate Precedent (33). Standing order for different procedure than reference of bills made by resolution. On May 24, 1911, page 785, senate journal, a joint resolution was adopted without yeas and nays, providing that after June 1, bills should not be referred to committee but directly to the calendar, unless otherwise ordered. On June 7, 1911, page 913, senate journal, Senator Linley moved the rereference of a bill to a committee. Senator Randolph rose to a point of order that under the joint resolution adopted on May 24, the motion to rerefer was out of order. The president (Lieut. Gov. Morris) held that the point of order was well taken.

Note: This precedent follows the practice of the senate, but the phrase "unless otherwise ordered" in the joint resolution adopted May 24, was overlooked.

Senate Precedent (34). Appropriation bills must be referred to Finance committee before final passage by both houses. On Jan. 28, 1909 (pg. 105, senate journal), Senator Burke asked for a suspension of the rules interfering with the placing of No. 38, A., which had just been received from the assembly, upon its concurrence at that time. The [*33] bill not having been referred to the joint *committee on Claims in the assembly, an objection by Senator Hudnall that the bill carried an appropriation and must be so referred was sustained by the president (Lieut. Gov. Strange) and the bill was referred to the committee on Claims.

Senate Precedent (35). Motion to lay over is privileged on first reading. On February 10, 1911 (pg. 167, senate journal), Senator Randolph introduced a resolution. Senator Hustling moved that the resolution be laid over to the next calendar day. Senator Owen moved the resolution be referred to the committee on State Affairs, and rose to a point of order that reference to a committee being the regular proceeding under rule 41 his motion had precedence. The president (Senator Martin) held that the motion to lay over to a day certain had precedence under both rule 41 and rule 68.

Jefferson's Manual (25)—Reference of Part of a Bill. A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee.

Note (13). Where only a certain phase or part of a bill is desired to be considered by a committee, the practice of the senate is to refer the whole bill to the committee with formal or informal instructions to consider only that part.

Senate Rule 42. Second reading; ordering to a third reading; engrossing bills. The second reading shall be had before the bill or resolution is amended or ordered read a third time. Each bill or resolution ordered engrossed and read a

third time shall be, under the direction of the engrossing clerk, carefully typewritten, with all amendments adopted to the original bill reduced into the text, placed in a new envelope, upon which the endorsements on the original envelope shall be carefully engrossed, and, with the original, shall be delivered to the chief clerk, who shall record it correctly engrossed in the journal and place it upon the next calendar "ready for third reading." The original shall then be filed by the chief clerk and the engrossed copy shall thereafter be the original. If it shall be subsequently found, however, that mistake has been made in engrossing, the chief clerk shall have the power under rule 32 to correct such error in engrossing. A bill or resolution which [34] shall be "ordered engrossed and read a third time" without any amendment thereto having been adopted shall not be engrossed, but shall be placed upon the next calendar "ready for third reading;" and when a bill or resolution which shall have been amended only by a substitute adopted without amendment shall be "ordered engrossed and read a third time" the original substitute in an engrossed envelope shall be the engrossed bill or resolution.

See annotations under rule 40.

Note (14). The engrossing rule was amended in 1913 so that bills advanced without amendment need not be engrossed, and so that a substitute, when not amended, shall be the engrossed bill. This change from the old practice of engrossing all bills, amended or unamended, has reduced the work of engrossing by from 25 to 50 per cent and has reduced the chance for error at this stage by just the same percentage, as well as advancing the bills on the calendar, the delay for engrossing being dispensed with.

Under the practice prior to 1913, bills correctly engrossed could not be placed on the calendar until formally reported to the senate as correctly engrossed. In 1913 the rule was amended so that correctly engrossed bills are immediately delivered to the clerk, who records the engrossing in the journal, and places them on the calendar. This amendment serves to shorten the sittings of the senate by dispensing with the reading of a clerical report, and to expedite the bills by frequently getting them onto the calendar a day sooner than would otherwise be possible.

Senate Rule 43. Third reading; question. Upon the third reading of the bill the question shall be stated thus: "This bill having been read three several times, the question is, 'Shall the bill pass' or 'Shall the bill be concurred in,'" as the case may be.

Note (15). See annotations under rule 40. Of course the question on indefinite postponement does not in any case require the yeas and nays, and if the senate, by viva voce vote, refuses on third reading to indefinitely postpone a bill requiring the yeas and nays for final passage, this cannot pass the bill.

Senate Rule 44. Appropriation bills to be read at length.

The third reading of all bills appropriating money [35] shall be at length, and the suspension of this rule shall not be made without the unanimous consent of the senate.

Note (16). The practice of the senate is to read the appropriation clause instead of the whole bill. This is done by unanimous consent.

Senate Rule 45. Bill amended on third reading to be re-engrossed. If a bill, resolution, or memorial ordered to be engrossed and read a third time be amended or otherwise changed it shall be engrossed in typewriting before being read a third time. Any bill, resolution, or memorial which shall have passed the senate with amendments that have not been reduced into the text, shall be engrossed or reengrossed under the supervision of the chief clerk before being messaged to the assembly; provided, that if the amendment is an unamended substitute, the original substitute in an engrossed envelope shall be the engrossed bill.

Senate Rule 46. Reference in order. Any bill, resolution or memorial may be recommitted at any time previous to its passage. Motion to recall and recommit or withdraw shall be in order, but the question shall be divisible.

Note (17). The last sentence of this rule was adopted in 1913. Without this provision, these motions would be out of

order because the bill could not be acted upon to permit withdrawal or to order rereference without possession of the papers. But since the motion does not affect the text in any way, the expediting of business demanded the rule.

Senate Rule 47. Messaging to the assembly. Each bill which passes its third reading shall be certified by the clerk and by him transmitted to the assembly. The date of transmission shall be entered on the bill books of the clerk.

Senate Rule 48. Papers held during reconsideration period. All bills, joint resolutions, etc., upon which such action has been taken that they are next to be messaged to the other house, shall be held by the chief clerk until the time [30] for reconsideration of such bills, joint resolutions, etc., has expired, but privileged resolutions, etc., shall be messaged immediately unless it is otherwise ordered by the senate.

Senate Precedent (36). Request by the assembly for the return of papers messaged to the senate may be refused and the papers acted upon in the regular course. June 8, 1909 (pg. 1037, senate journal), No. 423, A., was received from the assembly, and at the same time (pg. 1038) another message from the assembly was read requesting the return of the bill. On June 9 (pg. 1045) the senate by a vote of 14 to 12 refused to return the bill. Later on the same day (pg. 1057) Senator Page moved that the bill be nonconcurrent in. Senator Hudnall raised a point of order that the bill was not properly before the senate because the assembly had passed a resolution recalling the bill before the senate had received it. The journal does not show whether Senator Hudnall stated it as a fact that the assembly had requested the return of the bill before its messenger had delivered it to the senate or whether he contended that it was not parliamentarily received by the senate until the message was read from the desk by the clerk. It is the practice in the senate when several messages are received during a sitting to lay them aside during the consideration of the business on the calendar and read them all at the same time. Evidently the assembly had requested the return of the bill at least before the reading of the message transmitting it, but whether before the messenger had been recognized and delivered it to the senate the record does not disclose. The president (Lieut. Gov. Strange) ruled the point of order, however, not well taken, the journal not showing what reasons he gave for the ruling.

Note. Messengers are permitted in the United States Congress to correct their messages and if the assembly did resolve to recall the bill before the messenger had delivered it to the senate, it is possible that the messenger might have been permitted to correct the message and withdraw the bill. However, if the point made was based upon the assumption that the bill was not parliamentarily received until read from the desk by the clerk, the practice in congress and the ruling of Jefferson's Manual that a message may be received during the sitting of a committee of the whole, the speaker taking the chair for that purpose, without interrupting the proceedings of the committee, would seem to indicate that the message was parliamentarily received at the time it was delivered by the messenger to the clerk of the house receiving it.

Note (18). The assembly also has refused to return papers requested by the senate. On April 9, 1897 (p. 1035, assembly journal), the assembly refused to return Joint Resolution No. 48, A. Reference to Senate Precedent (84) under rule 73, p. 62, will show that this resolution authorized the introduction of a bill and that the bill was ruled out of order when received in the senate on the ground that the joint resolution was still pending. On June 10, 1909, [37] (p. 1108, senate journal) entry appears in a message from the assembly that the assembly refused to return to the senate as requested five bills. There are probably other precedents of refusal to return papers, both by the senate and by the assembly. See note (27) under rule 73, page 63, for the effect upon the papers of a pending motion to reconsider when possession of the papers is not secured.

Senate Rule 49. Enrolling bills. After a senate bill has passed both houses, it shall be duly enrolled under the direc-

tion of the chief clerk of the senate before it shall be presented to the governor for his approval. When a bill is duly enrolled, it shall be carefully compared by the enrolling clerk, after which it shall be delivered by him to the chief clerk, who shall record it correctly enrolled in the journal.

Note (19). The same change was made in this rule in 1913 as in the engrossing rule—that the enrolling of the bill should be recorded in the journal by the clerk without formal report. Under the prior practice, the signing of the enrolled bill by the presiding officer and the clerk had to await its report in session as correctly enrolled. This often delayed the delivering of a bill to the governor a whole day, or at the week's end, several days, the senate having adjourned, and in emergency cases the senate often held a session later in the day for the sole purpose of performing this little piece of clerical work on one bill. Under the amended rule, no form prevents an enrolled bill being at once signed and delivered to the governor.

Senate Rule 50. Signing of documents. All acts, memorials and resolutions shall be signed by the presiding officer, and all writs, warrants and subpoenas issued by order of the senate shall be under his hand, and attested by the clerk.

Senate Rule 51. Offering of resolutions. Resolutions privileged by rule 75 shall be sent to the clerk's desk and there read by the clerk, and when so read shall be considered to be before the senate.

Senate Rule 52. Presenting petitions, etc. Petitions, memorials, communications and other papers, addressed to the senate shall be presented by a member thereof in his [*38] place; a brief statement of the contents thereof shall be endorsed thereon, together with his name, by the member introducing the same.

Senate Precedent (37). It has been held that petitions must be read, at least by title. On March 24, 1909, (p. 489, senate journal) a large number of petitions having been sent to the clerk's desk, Senator Lyons moved that they be entered in the journal, without reading, and referred to committees. After the motion had prevailed, Senator Whitehead rose to a point of order that the effect of the motion was to abridge the right of the people to petition the legislature. The president held the point of order well taken, and the petitions were read.

Note: It would seem that printing titles in the journal and reference of the petitions to committees was full compliance with the constitution. See senate Precedent (6) and note (2) under rule 8, p. *8.

AMENDMENTS—FORM AND PROCEDURE

Senate Precedent (38). Question on assembly amendment to senate bill may be divided. On June 9, 1909 (pg. 1071, senate journal), the question was upon concurrence in an assembly amendment to a senate bill. Senator Whitehead asked for a division of the question. The amendment was divided and each part put separately.

Senate Rule 53. When amendments may be offered. Amendments shall be in order only upon the second reading of the bill or resolution.

Note (20). Prior to 1913, the rule was that amendments were in order only before the bill was ordered engrossed or to a third reading. This rule would have permitted amendments between the first and second readings, but there was little chance for this while these readings were both had at the same time, and before reference. But when the time for second reading was changed from before reference to the time the bill should return from committee, and in regular procedure appear on the calendar, this rule was changed so that amendments should be in order only upon second reading of the bill. This, of course, does not prohibit an amendment being reported by a committee, for this is specially provided for in the committee rule, but it prohibits amendments from the floor until after second reading, and prohibits action on any amendments until after second reading.

Senate Precedent (30). Amendments not in order on third reading. On June 12, 1905 (pg. 1560, senate journal), Senator Noble asked unanimous consent to offer amendment [*39] ment to No. 619, A., on its third reading. Senator Wilcox objected and the amendment was not received.

On June 12, 1905 (pg. 1560, senate journal), Senator Noble asked unanimous consent to offer amendments to No. 619, A., on its third reading. Senator Froemming objected. On the motion of Senator Roehr, the rules were suspended, 24 to 4, and the amendments received.

Senate Rule 54. Reading of amendments. Amendments shall be read by the clerk and stated by the presiding officer to the senate before being acted upon. Amendments that are printed and on the files shall be read once, whereas amendments that are not on the files shall be read twice.

Note (21). This rule prior to 1913 did not prescribe the number of times amendments should be read, and Jefferson's Manual required their reading two and three times, respectively. In 1913, the rule was amended to prescribe the number of times in conformity with the practice of the senate as it was.

Senate Rule 55. Amendments to be offered on furnished blanks. Amendments shall be numbered in the order received, e. g., Bill No. 1, S., amendment No. 1, S., and shall bear the name of the member or the chairman of the committee offering the same. The chief clerk shall furnish to members sheets with the proper heading printed in blank, upon which amendments shall be written, and all amendments offered shall be on such blanks in triplicate; provided, that amendments offered from the floor are exempted from this rule and from rule 29, except that the chief clerk shall have such amendments drawn in proper form as soon as possible and before the bill is subsequently engrossed, delivered to a committee, or messaged to the assembly; this provision not to delay action upon any amendment offered from the floor.

Senate Precedent (40). Before amendment of this rule in 1911 attaching to it the proviso exempting amendments offered from the floor, on February 16, 1911, Senator Gaylord offered an amendment to a resolution relating to reciprocity agreement with Canada. The amendment not being drawn in conformity with the rule Senator Randolph rose to the point of order, and the president (Lieutenant Governor Morris) held that the point was well taken and that the amendment was out of order.

[*40] **Senate Rule 56. Amendments to be germane.** No standing or select committee or any member thereof, shall report any substitute or amendment for any bill or bills, or resolutions, referred to such committee, which substitute or amendment relates to a different subject, or is intended to accomplish a different purpose than that of the bill or resolution for which it is reported, or, if adopted and passed, would require a title essentially different from the original title of the bill or resolution. Any substitute bill or resolution so reported shall be rejected whenever the senate is advised that the same is in violation of this rule, and this rule shall not be suspended without the unanimous consent of the senate, and shall apply to bills or resolutions originating in either house.

Senate Precedent (41). Amendment must be germane. On March 15, 1905 (pg. 494, senate journal), an amendment offered by Senator Wilcox was ruled out of order by the president (Lieut. Gov. Davidson) on the ground that it was not germane to the bill.

Senate Rule 57. Amendments not accepted, when. No amendment shall be considered in order that will totally alter the nature of the original bill, resolution or memorial; and the presiding officer shall rule as to the admissibility of an amendment where the question is raised as to whether or not it does totally alter the nature of the original proposition.

Senate Precedent (42). Amendment totally altering nature not admissible. A substitute amendment to a memorial to congress was ruled out on this ground April 13, 1909 (pg. 557, senate journal).

Jefferson's Manual (28)—House to Judge Consistency of Amendments. If an amendment be proposed inconsistent

with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modications, and suppress, instead of subserving, the legislative will.

[*41] **Senate Precedent (43).** An amendment the effect of which would be the same as one already rejected, is out of order. (On February 25, 1911, pages 250 and 251, senate journal, Senator Gaylord offered a substitute amendment to No. 29, A., which substitute was rejected. Senator Blaine then offered an amendment the same in effect as the substitute that had been rejected. The president (Lieutenant Governor Morris) ruled that the amendment was out of order.

Senate Precedent (44). Amendment offered as a substitute amendment must be in substitute form. On March 22, 1911, page 418, senate journal, Senator Gaylord offered a substitute amendment to a joint resolution, and the president stated that under the rules the resolution would lie over for the printing of the substitute. Senator Blaine rose to a point of order that the substitute amendment was a substitute in name only, and that it was in reality simply an amendment, in that the change made was easily perceived from the reading of the amendment. The president (Lieut. Gov. Morris) held the point of order was well taken. See also page 593, senate journal, April 28, 1911.

Senate Precedent (45). Amendment making bill identical with one previously acted upon has been ruled out of order. On June 3, 1909 (pg. 972, senate journal), Senator Lockney offered an amendment to No. 166, A. Senator Owen rose to a point of order that the amendment made the bill identical with one previously acted upon by the senate. The president (Lieut. Gov. Strange) held the point of order well taken and the amendment out of order.

Note. The reasoning used in making this ruling probably was that the adoption of the amendment would make the bill out of order and that this indirect method of defeating the measure should not be allowed. The journal does not show what bill was referred to as the identical bill, but the recollection of the compiler is, that it was a senate bill that had been rejected by the senate, but which was supported by Senator Lockney and preferred by him to No. 166, A., and his purpose in offering the amendment was evidently not the defeat of the bill. That an assembly bill identical with a previously defeated senate bill is out of order would not seem to be good parliamentary law. Jefferson's Manual permits a bill to be introduced in the senate identical with an assembly bill that has been rejected by the senate but does not take up the proposition specifically whether an assembly bill identical with a previously rejected senate bill is in order, but it would seem a reasonable application of the principle the manual does lay down.

Jefferson's Manual (27)—Identity with One Acted upon Must be Absolute to Make Out of Order. A motion is made to amend by striking out certain words and inserting others

in their place, which is negatived. Then it is moved [*42] to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible, because to strike out and insert A is one proposition. To strike out and insert B is a different proposition. And to strike out and insert nothing is still different. And the rejection of one proposition does not preclude the offering a different one.

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterward be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who prepared it join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition; for then it

is resolved into the common case of striking out a paragraph after amending it. Nor does anything forbid a new insertion. Instead of A and its coherence.

Senate Precedent (46). Question on assembly amendment to senate bill has been divided and part of amendment ruled out of order as identical with matter already rejected. On June 9, 1909 (pg. 1071, senate journal), upon request of Senator Whitehead, question upon an assembly amendment to a senate bill was divided. Senator Whitehead then made a point of order against two paragraphs of the amendment, that they were verbatim with matters already acted upon by the senate and rejected. The journal does not show what these matters were.

The president (Lieut. Gov. Strange) held the point well taken and ruled the paragraphs out of order. The remaining paragraph was concurred in.

Note: The same doubt as to the correctness of this ruling lies as lies with the correctness of the ruling in Senate Precedent (45) discussed in the note, for it seems reasonable to apply this rule of Jefferson's Manual to amendments as well as to bills.

Jefferson's Manual (28)—Amendment in Third Degree not Permitted. If an amendment be moved to an amendment, it is admitted; but it would not be admitted in another de-

gree, to wit, to amend an amendment to an amendment [*43] ment of a main question. This would lead to "too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

If it be proposed to amend by leaving out certain words, it may be moved, as an amendment to this amendment, to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill.

Senate Precedent (47). Amendment not in order when papers not in possession of senate. On March 3, 1913, Senator Zophy offered an amendment to No. 122, S. The president held that the bill being in the possession of the committee on Judiciary and not before the senate, the amendment was out of order.

On March 12, 1913, Senator Bichler moved that a bill be recalled from committee, which motion prevailed. Senator Bichler offered a substitute amendment to the bill. The president stated that the amendment could not be received until the bill was returned from the committee and on the clerk's desk, saying: "It is a dangerous practice to endeavor to act upon papers when they are not in the possession of the senate and on the clerk's desk, and it will be the rule of the chair that this senate cannot act upon papers unless they are on the clerk's desk." The bill was returned to the clerk's desk by the chairman of the committee, and Senator Bichler's substitute was then received.

Jefferson's Manual (29)—Rejected Amendment May be Offered at Different Stage. In Parliament a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, although the same amendment has been accepted or rejected in a former stage.

Senate Rule 58. Motions to be germane; bills may not be amended, how. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall [*44] at any time be amended by annexing thereto "or incorporating therein any other bill or resolution pending before the senate.

Senate Rule 59. Amendments to be submitted to revision clerk. The clerk of any committee ordering any bill reported for passage with any amendment shall submit such bill and amendment to the revision clerk, who shall return the same to such committee clerk, with approval if such amendment conforms to the rules, and, if not, with sugges-

tions in writing, which suggestions shall be submitted to the chairman of the committee. The revision clerk shall only suggest such amendments as do not change the scope and effect of the bill.

Senate Rule 60. Committee amendments; speaking on amendment. Amendments reported by committees shall be acted upon by the senate in the same manner as though offered from the floor. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

Senate Rule 61. Amendments to be reported. Whenever any bill to which an amendment is pending shall be referred to a committee such amendment shall be reported back to the senate.

Senate Rule 62. Order of Action. If any amendment be offered, the question shall be first upon the amendment. If rejection is recommended by a committee, the adoption of an amendment shall not change the question.

Senate Precedent (48). Question must be put on committee recommendation for indefinite postponement. (The last sentence of this rule was adopted on March 5, 1913, to write into the rules the prior practice of the senate.)

On May 3, 1911, page 626, senate journal, No. 95, A., was on the calendar recommended for nonconcurrence. Senator Teasdale moved that the bill be ordered to a third reading. The president (Senator Martin) ruled that the committee's recommendation took precedence, the motion to advance not being a privileged motion under rule 68.

On February 20, 1913, No. 59, S., which was recommended by the committee on Judiciary for indefinite postponement, was amended. *The question on indefinite postponement was then put and carried.

Senator Linley arose to a question of parliamentary inquiry:

Did not the adoption of the amendment make the question, Shall the bill be ordered engrossed and read a third time?

The president (Lieut. Gov. Morris) stated: The practice of the senate when the committee recommends indefinite postponement, is to put the question upon the recommendation of the committee.

Note. Some years ago, an inquiry was made of Speaker Reed by an officer or member of the Wisconsin legislature, whether the adoption of an amendment to a bill having an adverse committee report changed the question on the bill from "Shall the bill be indefinitely postponed (or nonconcurred in)" to "Shall the bill be ordered engrossed and read a third time (or to a third reading)." The question does not arise in Congress, because a bill is not reported from committee except it be intended for passage, but Speaker Reed answered to the inquiry that in his opinion the adoption of the amendment evidenced a reversal of the committee report and a preparation of the bill for passage. This practice was followed for some time in the Wisconsin senate, but it is frequently the case that because of the fairness which actuates the senators, the author of a bill is permitted the adoption of amendments to bring his bill into the most favorable form before final vote, without regard to the intent of the senate as to its final disposition. Thus the logic of Speaker Reed is as likely to be wrong as to be right in the Wisconsin senate, on any particular bill; that which he construes as evidence of intent to pass the bill is as likely to be merely tolerance and courtesy. Another and weightier consideration led to the practice and rule of the senate as it now is. On many minor matters, the senate is likely to be more or less indifferent, no particular interests or principle being involved, and by mere lack of opposition, the affirmative of the question, however put, will carry. It is an old principle, quoted in Jefferson's Manual, that "the former law shall not be changed except by a majority" and it is public policy that the majority should be positive and not merely acquiescent. The committee has considered the bill, and in the first test the committee recommendation should have the benefit of any mere acquiescence or indifference on the part of the senate.

Jefferson's Manual (30)—Order of Action. On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and

puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. When through the amendments of the committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill; as he does also if it has been reported without amendments; putting no questions but on amendments proposed; and when through the whole, he puts the question whether the bill shall be read a third time?

Note (22). In the senate practice, only the clerk reads amendments or other documents. See senate rule 54, page *39, for readings given amendments.

GENERAL PROCEDURE.

Order in Debate.

Jefferson's Manual (31)—Messages Received During Debate. Message are received during a debate without adjourning the debate.

Senate Rule 63. Recognition; debate. When a member is about to speak in debate or deliver any matter to the senate he shall rise in his place and respectfully address the chair, and upon being recognized, shall proceed, confining himself to the question under debate, avoiding personality.

Senate Precedent (49). Senator cannot speak without first obtaining recognition, nor interrupt another unless he yield. On Feb. 28, 1911, page 252, senate journal, Senator Kleczka, addressing the senate, was several times interrupted by direct queries from Senator Gaylord. Senator Whitehead rose to a point of order that before a senator could speak in the senate, he must address the president and secure recognition, and if one senator had the floor, another senator could not speak unless such senator yielded. The president (Lieut. Gov. Morris) held that the point of order was well taken.

Senate Precedent (50). Debate confined strictly to question. The following entry appears in the senate journal for February 5, 1913:

Senator Burke addressed the senate, discussing the subject matter of Res. No. 8, S.

The president called Senator Burke to order, stating that the debate must be confined to the question before the senate.

Senator Browne addressed the senate discussing the subject matter of Res. No. 8, S.

Senator Randolph rose to a point of order, that Senator Browne was not speaking on the question before the senate.

The president (Lieut. Gov. Morris) held that the point of order was well taken.

[*47] Senator Browne rose to a question of parliamentary inquiry, if the question whether the senate has jurisdiction in the subject matter of Res. No. 8, S., is not germane to the question, "Shall the senate resolve itself into a committee of the whole?"

The president (Lieut. Gov. Morris) held that the debate upon the subject matter of Res. No. 8, S., was not in order.

Jefferson's Manual (32)—Debate in One House Not to be Quoted or Noticed in Other. It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner.

Jefferson's Manual (33)—Proceedings of One House not Noticed by Other Unless Messaged Regularly. A report of a committee of the Senate on a bill from the House of Representatives being under consideration: on motion that the report of the committee of the House of Representatives on the same bill be read in the Senate, it passed in the negative.

Senate Precedent (51). Reference to proceedings in other house out of order. On March 6, 1913, several senators made reference to the action of the assembly upon a bill similar to the one under debate. The president (Senator Martin) called the senators to order and ruled that mention in debate of any action of the assembly was out of order.

[*48] **Senate Precedent (52). Reference to member of other house out of order.** On Feb. 2, 1909 (pg. 133, senate journal), in debating a resolution, Senator Marsh spoke of the action of the speaker of the assembly when the resolution was under consideration in that house. Senator Burke rose to a point of order that the remarks were out of order, quoting Jefferson's Manual. The president (Lieut. Gov. Strange) held the point of order well taken, and Senator Marsh retracted the remarks.

Senate Precedent (53). Not in order for statement by member to be messaged to other house. On Feb. 9, 1909 (pg. 203, senate journal), Senator Lehr asked to file a protest with a resolution and have the protest messaged to the assembly with the resolution. Senator Husting rose to a point of order that such procedure was out of order. The president (Lieut. Gov. Strange) held the point well taken.

Jefferson's Manual (34)—Reading Papers or Speech in Control of House. It is an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House.

For the same reason, a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time, and therefore is not refused but where that is intended.

Jefferson's Manual (35)—Member Whom Debate Concerns to Withdraw. No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws.

Senate Rule 64. Presiding officer to name first speaker. When any two or more members shall rise at the same time, the presiding officer shall name the person who is to speak first.

[*49] **Jefferson's Manual (36).** If two or more rise to speak nearly together, the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, "which member was first up?"

In the Senate of the United States the President's decision is without appeal.

Senate Rule 65. Member out of order. When a member is called to order, he shall sit down, and shall not speak, except in explanation, until it shall have been determined whether or not he is in order; and if a member be called to order for words spoken, the exceptional words shall be taken down in writing, that the presiding officer may be better able to judge as to whether they are in violation of the rules.

Jefferson's Manual (37)—Procedure on Disorderly Words in Debate. Disorderly words are not to be noticed till the member has finished his speech. Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes; but if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then a part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then

decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. When any member has spoken, or other business intervened, after offensive words spoken, they can not be taken notice of for censure. And [*50] this is the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down at any time the same day.

Jefferson's Manual (38).—Limitation of Debate Privilege. For any speech or debate in either House, they shall not be questioned in any other place. But this is restrained to things done in the House in a parliamentary course. For he is not to have privilege contra morem parliamentarium, to exceed the bounds and limits of his place and duty.

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts, but not of the House itself. For whatever is spoken in the House is subject to the censure of the House.

Senate Rule 66. How members may speak. No member shall speak except in his place, and not more than twice on a question, except on leave of the senate. And if a question pending be lost by adjournment and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the senate.

Senate Precedent (54). Point of order that senator may not speak third time was raised and sustained, senate journal, April 14, 1911, page 499.

Jefferson's Manual (39). May speak also to amendment. On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

Jefferson's Manual (40). May speak until both affirmative and negative are fully put. After the speaker has put the affirmative part of the question, any member who has not spoken before to the question may rise and speak before the negative be put; because it is no full question till the negative part be put.

When a question is divided, after the question on the 1st member, the 2d is open to debate and amendment; [*51] because *it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put.

Senate Precedent (55). Discussion of the bill is in order upon motion to reconsider vote by which postponed beyond end of session. On April 28, 1909, page 669, senate journal, the question was upon motion of Senator Browne to reconsider the vote by which two bills were referred to a special committee with the understanding that they were to be considered at a special session. The merits of the bills were discussed by Senators Hustling and Brazeau. Senator Bird rose to a point of order that discussion of the bills was not discussion of the motion to reconsider.

The president (Lieut. Gov. Strange) held the point not well taken and that the question of reconsideration of the postponement opened the merits of the bills to debate.

Note (23). In the House of Representatives, debate on the motion to postpone to a day certain is confined within narrow limits, the merits of the bill not being open to discussion. The reference to the committee, in the above case, however, amounted to an indefinite postponement, since the bills would fall with adjournment sine die, and have to be again introduced, and also because a special session was not certain and was not, in fact, called.

Senate Precedent (56). Debate may be printed in journal. On Feb. 9, 1909 (pg. 21, senate journal), Senator Hustling moved a correction of the journal of the preceding day to show verbatim part of the debate. Senator Page rose to a point of order that such debate was no part of the min-

utes of the proceedings of the senate. The president (Lieut. Gov. Strange) held the point not well taken.

Motions

Senate Precedent (57). A motion to suspend the rules to place a bill on final passage and to limit debate on the question may be made as one motion. On Feb. 28, 1911 (pg. 249, senate journal), Senator Bodensstab moved that the rules be suspended and No. 29, A., put upon final concurrence and that debate on the bill and amendments be limited. Senator Blaine rose to a point of order that the motion was out of order because it contained two propositions which were inconsistent with each other. The president (Lieut. Gov. Morris) held that the two propositions contained in the motion were not inconsistent with each other because if the rules were suspended and the bill placed upon its concurrence the question then would be upon concurrence in the bill and would be subject to debate, which debate the motion proposed to limit.

[*52] ***Senate Rule 67.** When a motion is made, it shall be stated by the presiding officer or read by the clerk, previous to debate. If any member require it, all motions, except to adjourn, postpone, or commit, shall be reduced to writing. Any motion may be withdrawn by consent of the senate before division or amendment.

Senate Rule 68. Motions in order during debate. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone to a day certain.
5. To commit to a standing committee.
6. To commit to a select committee.
7. To amend.
8. To postpone indefinitely.

These several motions shall have precedence in the order in which they stand arranged in this rule.

Senate Precedent (58). **Privilege of motion to commit suspended by resolution.** On May 24, 1911 (pg. 785, senate journal), a joint resolution was adopted without yeas and nays, providing that after June 1, bills should not be referred to committee but directly to the calendar unless otherwise ordered. On June 7, 1911 (pg. 913, senate journal), Senator Linley moved the rereference of a bill to a committee. Senator Randolph rose to a point of order that under the joint resolution adopted on May 24, the motion to rerefer was out of order. The president (Lieut. Gov. Morris) held that the point was well taken.

Note: This precedent follows the practice of the senate, but the phrase "unless otherwise ordered" in the joint resolution adopted May 24, was overlooked.

Senate Precedent (59). **Motion to lay over to day certain has precedence to motion to commit.** On February 10, 1911 (pg. 167, senate journal), Senator Randolph introduced a resolution. Senator Hustung moved that the resolution be laid over to the next calendar day. Senator Owen moved the resolution be referred to the committee on State Affairs, and rose to the point of order that reference to a committee being the regular proceeding under rule 41 his motion had precedence. The president (Senator Martin) held that the motion to lay over to a day certain had precedence under both rule 41 and rule 68.

[*53] ***Senate Precedent (60).** On May 18, 1911 (pg. 743, senate journal), the president (Senator Martin) held a motion to lay on the table to take precedence over a motion to rerefer.

Senate Precedent (61). **A motion to non-concur is equivalent to a motion to postpone indefinitely.** On Feb. 17, 1911 (pg. 214, senate journal), Senator Randolph moved that a joint resolution be nonconcurrent in. Senator Owen moved that the resolution be laid over until the next calendar day. The president (Lieut. Gov. Morris) held that Senator Owen's motion took precedence under rule 68.

Senate Precedent (62). A motion to indefinitely postpone is not in order when the bill has passed and been returned from the assembly with an amendment, the amendment and not the bill being the question before the senate. (Page 1183, senate journal, June 28, 1911.)

Jefferson's Manual (41). **Comparative privilege of questions.** It is a general rule that the question first moved and seconded shall be first put. But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

Reading papers relative to the question before the House. This question must be put before the principal one.

Suppose a motion to amend a motion for postponement, as to one day instead of another, or to a special instead of an indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion: that is, we may amend a postponement of a main question. So, we may amend a commitment of a main question, as by adding, for example, "with instructions to inquire," etc.

Jefferson's Manual (42). **Coexisting questions.** It may be asked whether the House can be in possession of two motions or propositions at the same time so that, one of them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So, when it [*54] is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (e. g., the previous question, postponement, or commitment), remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being that when a motion has been made and seconded, no other can be received except it be a privileged one.

Senate Rule 60. **Motion to adjourn always in order.** A motion to adjourn shall always be in order except when the senate is voting; but this rule shall not authorize any member to move an adjournment when another member has the floor.

Jefferson's Manual (43). **House "adjourns" to next sitting day.** A motion to adjourn, simply, cannot be amended, as by adding "to a particular day;" but must be put simply "that this House do now adjourn;" and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution, "that at its next it will adjourn to a particular day," and then the House is adjourned to that day.

Senate Precedent (63). **Motion to adjourn to a day beyond the next having failed, a motion to adjourn has been entertained and put.** On Feb. 21, 1899 (pg. 225, senate journal), Senator Green moved that the senate adjourn until Feb. 23, which motion was lost. Without intervening business, unless it were unrecorded debate, the senate adjourned upon motion of Senator Miles.

Senate Precedent (64). **Two consecutive motions to adjourn have been put.** On Feb. 8, 1899 (p. 151, senate journal), Senator Welton moved adjournment. The motion was lost. Without intervening business, unless it were unrecorded debate, Senator Woodworth moved adjournment, and upon his motion the senate adjourned.

Note: This would not be permitted under the present rules of the senate, or under general parliamentary practice. Other business must intervene between motions to adjourn.

Senate Precedent (65). **Motion to amend motion to adjourn by making it a motion for a recess has been put.** [*55] On Feb. 8, 1899 * (p. 151, senate journal), Senator Welton moved adjournment. Senator McGillivray moved to amend the motion by fixing the time of

adjournment until 7:30 o'clock P. M., the same day. The amendment was put and lost.

Note: This would not be permitted under the present rules of the senate, nor under general parliamentary practice; a motion to adjourn cannot be amended.

Senate Precedent (66). Motion to adjourn has been amended by making it a motion for a recess. On April 28, 1899 (p. 870, senate journal), Senator Baxter moved that the senate adjourn until 8:30 o'clock, Monday evening, May 1st. Senator Jones moved to amend that motion to take a recess until 7:30 o'clock P. M. The amendment prevailed and the motion as amended prevailed.

Note: This precedent does not conform to good parliamentary practice.

Senate Precedent (67). Consecutive motions for recess, each motion naming a different time, have been allowed. On April 16, 1897 (pg. 875) senate journal), Senator Green moved that the senate take a recess to 7:30 o'clock P. M., which motion was lost. Without intervening business, unless it were unrecorded debate, Senator Munson (pg. 876) moved that the senate take a recess to 5:00 o'clock P. M., which motion prevailed.

On April 13, 1903 (pg. 677, senate journal), Senator Hatten moved that the senate take a recess until 8:30 o'clock P. M., which motion was lost. Without intervening business, unless it were unrecorded debate, Senator McGillivray moved that the senate take a recess until 8:45 o'clock P. M., which motion prevailed. The record in the journal indicates a quorum was not present because these motions included a motion to dispense with the roll call.

Senate Precedent (68). Motion to take recess to same hour may be repeated, other business intervening. On April 16, 1897 (pg. 872, senate journal), Senator Welton moved that the senate take a recess to 7:30 P. M., which motion was lost. Later on the same day, other business intervening, Senator Green (pg. 875) moved that the senate take a recess to 7:30 p. m., which motion was lost.

Senate Precedent (69). Second motion to set some time to which senate shall adjourn has been entertained, other business intervening. On April 16, 1897 (pg. 856, senate journal), Senator Devos moved that when the senate adjourn it be until Monday, April 19, at 8:30 p. m., which motion was lost. Later in the same day, other business intervening, Senator Austin (pg. 872) moved that when the senate adjourn it be until Monday, April 19, at 8:30 p. m., which motion prevailed.

Senate Precedent (70). Motion to set time to which senate shall adjourn may follow defeated motion for recess, without intervening business. On April 16, 1897 (pg.

872, senate journal), Senator Welton moved that [56] the senate take a recess to 7:30 p. m., which motion was lost. Without intervening business, unless it was unrecorded debate, Senator Austin moved that when the senate adjourn it be until 8:30 p. m., Monday, April 19, which motion prevailed.

Senate Precedent (71). Motion for a recess has been made and put with motion to dispense with roll call as one motion. On April 13, 1903 (p. 677, senate journal), the senate having been just called to order, Senator Hatten moved that the roll call be dispensed with and a recess be taken until 8 o'clock p. m., which motion was lost. Senator McGillivray then moved that the roll be dispensed with and the senate take a recess until 8:45 p. m., which motion prevailed.

Note: The necessity for dispensing with the roll call in making this motion was, that the only power less than a quorum has is to adjourn or to compel the attendance of absent members. A minority cannot take a recess.

Senate Precedent (72). Motion for recess has same privilege as motion to adjourn. On March 5, 1913, on No. 114, S., Senator Linley moved that the bill be rereferred to a committee. Senator Ackley moved that the senate take a recess. Senator Bosshard rose to a point of order that Senator Ackley's motion was out of order because a motion was pending on a bill under consideration. The president (Senator Martin) held the point of order not well taken for the reason that a recess has the same privilege as a motion to adjourn, which is always in order.

Senate Precedent (73). Motion to adjourn being defeated, motion to take recess has been entertained and defeated, and another motion to adjourn entertained and carried. On March 8, 1899 (p. 344, senate journal), Senator Green moved that the senate adjourn, which motion was lost. Senator Green then moved that the senate take a recess, which motion was lost. Upon motion of Senator Woodworth the senate then adjourned. All of the above motions were put without intervening business, unless it were unrecorded debate.

Note (24). In the U. S. House of Representatives motion for a recess is no longer privileged when other business is before the house. The reason for this is that the motions to adjourn and to take a recess were often used alternately ad infinitum for purposes of obstruction. It is a parliamentary rule that a second motion to adjourn is not in order until other business has intervened; the smallest proceeding, however, even debate with no action, constituting the necessary other business. The motion to take a recess constituted such other business, and for this reason the motion to take a recess has been deprived of its privilege.

Such obstructive tactics would rarely, if ever, be used in the Wisconsin senate, although the precedents of the senate which have given a motion to take a recess equal privilege with a motion to adjourn and permits either to follow the other, and have given the right for successive motions for a recess to different times, or for adjournment, making it possible to continue making these motions ad infinitum, have thrown the senate open to dilatory tactics. It may be that in some of these precedents, debate, which constitutes other business, intervened, but the journal in no case has recorded this, and it leaves the precedent absolutely without intervening business. However, dilatory tactics of this kind have been prevented in the U. S. House of Representatives, which has a rule against dilatory motions, by holding these motions, when the purpose of obstruction is apparent, out of order as dilatory. Even in the absence of a rule against dilatory motions, such tactics could be prevented in the Wisconsin senate, by holding them out of order, a majority that was being obstructed by a minority having power to sustain or reverse the president on appeal. However, if the length of legislative sessions shall at any time be restricted, the practice on these motions may at times assume great importance. It is during the days and hours approaching 12 o'clock noon, March 4, that dilatory tactics are most often resorted to in Congress, and under a limited session, similar situations would be likely to arise in the Wisconsin legislature. Therefore, when the rules are again revised, it is suggested that the motion to adjourn to an hour or day other than simple adjournment be placed second in the list of privileged motions in rule 68, and a motion to take a recess third, and that rule 69 be amended to read: "A motion to adjourn, to adjourn to an hour or day other than simple adjournment, or to take a recess, shall always be in order except when the senate is voting; but this rule shall not authorize any member to make either of these motions when another member has the floor, nor shall either of these motions be in order a second time unless other business shall have intervened, and neither of the four motions regulated by this rule shall constitute such business. A motion to adjourn to an hour or day other than simple adjournment may be amended as to time: provided that it shall not be amended to make the time the same as simple adjournment. A motion to take a recess may be amended as to time. Either of these two latter motions having been lost, naming a different time shall not make another motion other than a second motion under this rule. A motion to set the time to which the senate shall adjourn shall be in order only when no question is under debate; this motion may be amended as to time, but even though a different time be named, shall not be in order a second time, unless other business intervenes, and the first three privileged motions in rule 68 shall not constitute such business. Numerous motions under this rule, when plainly dilatory, shall be out of order."

Note (25). The senate can interrupt by recess the sitting to reconvene at any hour of the then calendar day, and can also continue by recess or by continuing in session the then

legislative day into the next calendar day. The interruption of a sitting to be reconvened at a time on the same calendar day is always a recess, an adjournment always carrying beyond the calendar day, because when the senate reconvenes after an adjournment it begins a new legislative day, and a legislative day of a certain date cannot begin before the calendar day of that date.

[*58] **Senate Rule 70. Laying on table temporary only.**

A motion to lay on the table shall only have the effect of disposing of the matter temporarily and it may be taken from the table at any time by order of the senate.

Senate Rule 71. Motion to postpone. A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of a bill or proposition.

Senate Rule 72. Motion to strike out enacting clause. A motion to strike out the enacting clause of a bill shall be considered equivalent to a motion to indefinitely postpone.

Senate Rule 73. Motion to reconsider. A motion to reconsider a question may be made by any member who voted with the majority, or in case of a tie vote, by any member. This motion shall be made on the same or the next succeeding legislative day of the senate, and it shall be received under any order of business. If the papers are not in the possession of the senate, the motion shall be entertained, but shall not be put until the papers are received; and a motion to secure the papers shall be in order. If a motion to reconsider is made upon the legislative day next succeeding the action which it is moved to reconsider, the motion shall be ordered laid over to the next calendar, if such order is called for by five members who voted with the majority, and the motion to reconsider may be laid over from time to time thereafter by a majority vote. Such motion having been put and lost shall not be renewed.

See Jefferson's Manual 47; page 65.

Note (26). The frequent practice under this rule is to move reconsideration immediately the vote has been taken, and by the immediate voting down of the motion, making certain that the action of the senate will not be reversed. This amounts to a repeal by majority vote of the rule for reconsideration on that bill, but it is an abrogation of the right given by the rule which the rule itself and parliamentary law permits. It is practiced only in close, hard-fought contests, where usually the matter has

[*59] been thoroughly considered and thrashed out and no good reason for a senator to change his mind exists.

Sharp practice on the succeeding day, a number of the majority being absent, was often resorted to and a motion to reconsider made, thus defeating the will of the real majority or compelling a call of the senate and a prevention of any further business being transacted. In 1911, however, the rule was written into its present form, there being added the provision that, the motion being made on the next succeeding day, a motion to lay action on the motion over to the next calendar prevailed if seconded by five senators who voted with the majority on the vote which it is moved to reconsider. This amendment makes it possible for the motion to lay over to take the place of a motion for a call of the senate, the same number of seconds being required, and the senate can proceed to other business.

Senate Precedent (74). A question once decided shall stand as the judgment of the senate unless it be reconsidered under this rule. On June 20, 1911, page 1077, senate journal, Senator Bodenstab moved that No. 316, S., be taken from the table. Senator Randolph rose to a point of order that the senate having by one vote refused to take the bill from the table, the only motion in order was a motion to reconsider that vote.

The president (Lieutenant Governor Morris) held:

Under rule 73, which provides that a matter may be taken from the table at any time, but one motion to take from the table is in order, because under general parliamentary law a rejected motion cannot be renewed unless the status of the matter affected has been changed. The refusal of the senate to take the bill from the table was a final disposition of the bill, and the status of the bill cannot be changed unless that vote be reconsidered. Hence the only motion now in order

is a motion to reconsider the vote by which the senate refused to take the bill from the table.

Senate Precedent (75). A motion to reconsider prevailing, but the bill coming again to the same stage, a second motion to reconsider is in order. On May 17, 1905, the senate passed No. 133, S. Motion to reconsider was made on May 18, and prevailed on May 19. The bill was again passed without having been amended, on May 24. On May 25 (page 1218, senate journal), Senator Noble moved that the vote by which No. 133, S., was passed be reconsidered. The journal records a point of order against the motion, but does not state the grounds upon which it was raised. The chair ruled the motion in order.

Note. This does not agree with the precedents of the U. S. House of Representatives, which are that the motion to reconsider the vote on a proposition having been once agreed to, and the said vote having again been taken, a second motion to reconsider may not be made unless the nature of the proposition has been changed by amendments. The rule of the House of Representatives, however, has no clause corresponding to the last sentence of the Wisconsin senate rule—
 [*60] "Such motion having been *put and lost shall not be renewed,"—and it is a plausible construction that the enumeration of this case wherein a second motion is not in order makes the motion in order in all other cases. The ground upon which the rulings are made in the House of Representatives is that other practice would permit the indefinite piling up of motions to reconsider. But this may at any time be stopped by the majority voting down the motion to reconsider.

Senate Precedent (76). A motion to reconsider failing, a second motion has been entertained by unanimous consent. On February 20, 1913, No. 59, S., was indefinitely postponed, and a motion to reconsider the vote was defeated.

On February 21, 1913, Senator Linley asked unanimous consent to move that the vote by which No. 59, S., was indefinitely postponed be reconsidered.

Such consent being given, Senator Linley moved that the vote by which No. 59, S., was indefinitely postponed, be reconsidered. The president put the motion. Senator Browne rose to a question of parliamentary inquiry: The senate having refused yesterday to reconsider this vote, can a motion to reconsider be entertained to-day, even by unanimous consent?

The president (Senator H. C. Martin) stated, that had such a point of order been made before the motion was entertained he would have ruled, but unanimous consent having been given Senator Linley to make the motion, and the motion having been made, entertained and put, such a point of order could not now be made.

Senate Precedent (77). Action laying over motion to reconsider may be reconsidered. On May 27, 1905 (pg. 1253, senate journal), Senator Roehr moved that the action of the senate in laying over motion made by Senator Noble to reconsider vote by which a bill was refused a third reading be reconsidered. The president (Lieut. Gov. Davidson) ruled the motion made by Senator Roehr out of order and an appeal was taken and sustained 15 to 12. The motion of Senator Roehr was entertained.

Note: This decision antedates the provision for the laying over of the motion at the request of five senators. The motion to reconsider having been laid over under this provision, the motion to reconsider the postponement would not be in order unless made by a senator seconding the motion to lay over, that being the prevailing side. The names of the senators making the request, however, not being recorded, memory would have to decide upon dispute, as on a motion to reconsider a viva voce or division vote.

Senate Precedent (78). A motion to reconsider is not debatable when the question which it is moved to reconsider was not debatable. On June 21, 1911 (pages 1077 and 1078, senate journal), Senator Scott moved that the vote by which the senate refused to take a bill from the table be reconsidered. Senator Bodensieb rose to debate the motion. Senator Randolph rose to a point of order that the motion was not debatable.

[*61] *The president (Lieut. Gov. Morris) held:

A motion to take from the table is not debatable, being the same in this regard as a motion to lay on the table. A motion to reconsider is not debatable when the question which it is moved to reconsider was not debatable. The motion upon which the point of order is raised is such a motion, and hence the point of order is well taken.

Senate Precedent (79). Next legislative day for reconsideration is next sitting day of the senate. On June 5, 1909 (p. 1022, senate journal), the senate refused to order engrossed and read a third time No. 145, S. On June 7th the assembly was in session, but the senate was not. On June 8th (p. 1041) Senator Fridd moved that the vote by which the senate refused to order the bill engrossed be reconsidered. Senator Page rose to a point of order, that the assembly, having been in session on June 7th, a legislative day had intervened since the action of the senate on the bill, and that the time for reconsideration had expired. The president (Lieut. Gov. Strange) held the point not well taken.

Note: The effect of the point raised by Senator Page, if sustained, would have been to enable the assembly to deprive members of the senate of their absolute and individual right to move reconsideration, and the fundamentals of parliamentary law make such an interpretation of the rule untenable.

Senate Precedent (80). Motion to reconsider must be made within time. On April 24, 1901 (pg. 783, senate journal), a motion to reconsider the vote by which joint resolution No. 5, A., was nonconcurrent in was ruled out of order by the president (Lieut. Gov. Stone), the resolution having been nonconcurrent in on April 18 and the senate having been in session on several intervening days. See also May 26, 1909 (pg. 882, senate journal); June 28, 1911 (pg. 1188, senate journal).

Senate Precedent (81). Motion to reconsider after expiration of time entertained by unanimous consent. June 5, (pg. 1398, senate journal); June 6, 1905 (pg. 1411, senate journal); June 6, 1905 (pg. 1430, senate journal); July 15, 1907 (pg. 1277, senate journal); May 12, 1909 (pg. 766, senate journal); May 25, 1909 (pg. 872, senate journal); May 28, 1909 (pg. 926, senate journal); June 2, 1909 (pg. 945, senate journal); and other precedents.

Senate Precedent (82). Motion to reconsider when the papers are not in possession of the senate, is entertained, the motion not being put until the papers are received. (That part of rule 73 providing the procedure when the papers are not in the possession of the senate was adopted in 1913. The following precedent shows practice prior to that time.)

On May 25, 1905 (pg. 1199, senate journal), No. 133, S., which had passed the senate and been messaged to the assembly, was ordered recalled. Later on the same day (pg. 1218), and before the bill was received from the assembly,

Senator Noble moved that the vote by which the bill [*62] was passed be reconsidered and the motion *laid over until the next day. The journal records a point of order against the motion but does not state the ground upon which it was raised. The president (Lieut. Gov. Davidson) ruled the motion in order and the motion to reconsider was entertained and laid over until May 26. On May 26 (pg. 1226) the bill was received from the assembly, and on June 1 (pg. 1316) the motion made by Senator Noble on May 25, while the papers were not in possession of the senate, was put and prevailed.

On June 5, 1905 (pg. 1398, senate journal), Senator Hatton moved that the senate request the assembly to return Jt. Res. No. 45, A., to the senate. Immediately this motion had prevailed, a motion by Senator Hatton that the vote by which the resolution was nonconcurrent in be reconsidered, and such motion laid over, was entertained by unanimous consent and prevailed. However, on June 6, 1905 (pg. 1430), upon receipt of the resolution from the assembly, no record appears in the journal of the motion to reconsider made on the previous day and laid over, but the journal records Senator Hatton to have made, on June 6, by unanimous consent, a motion to reconsider the vote by which the resolution was nonconcurrent in, and this motion prevailed.

Senate Precedent (83). Motion to reconsider has been ruled out of order, on the ground that the bill was out of order, after the senate had nonconcurrent in the bill and after the motion had been entertained and laid over. On June 3, 1909 (p. 972, senate journal), No. 166, A., was on the calendar recommended for nonconcurrence. Amendment offered by Senator Lockney was ruled out of order. The bill was then nonconcurrent in. On June 4 (p. 1007), Senator Pearson moved that the bill be recalled from the assembly for reconsideration, which motion prevailed. Immediately Senator Pearson moved that the vote by which the bill was nonconcurrent in be reconsidered, which motion was laid over. On June 5 (p. 1017), the bill was received from the assembly, as requested. Senator Whitehead raised a point of order that the motion of Senator Pearson to reconsider was out of order, alleging that on Thursday the president ruled the bill out of order. The journal of Thursday was read and showed that the president had ruled an amendment out of order and not the bill. The president (Lieut. Gov. Strange), however, ruled the point well taken, and upon appeal the ruling was sustained 18 to 9.

Note: The above ruling seems to have been made and sustained in the face of the record plainly showing the error of its premises.

Senate Precedent (84). A joint resolution concurred in and messaged to the assembly has been held to be still pending, upon request to return for reconsideration, the request being refused. On April 8, 1897 (pg. 752, senate journal), Jt. Res. No. 48, A., authorizing the introduction of a certain bill, after the close of new business, was concurred in by the senate. (Prior to 1911, introduction of bills, except by committees, was absolutely foreclosed by joint rule after a certain time, and could be authorized only by joint resolution.) On April 8 (pg. 762), Senator Roehr moved that the vote by which the resolution was concurred in be reconsidered and the motion lie over, which motion prevailed. On April 9, 1897 (pg. 1035, assembly journal) the request of [63] the senate for the return of the resolution was received by the assembly and refused. On April 14 (p. 814), the motion was laid over until the 15th, the resolution not having been received. On April 15 (p. 840), the motion was again laid over, and on April 19 (p. 893), it was laid over until the resolution should be returned from the assembly. The senate evidently recognized that it could not act upon the motion until the papers were received. On April 23 (p. 976), the bill authorized by the resolution was received from the assembly. On the same day, Senator Roehr (p. 977) rose to a point of order that the bill was out of order, for the reason that the joint resolution, authorizing its introduction, was pending, not having been returned to the senate as demanded. The President (Lieut. Gov. Baensch) held the point of order well taken and ruled the bill out of order.

Note (27). This precedent seems to agree with the precedents of the U. S. House of Representatives, which are that a motion to reconsider is an absolute right granted by the rule and may be entertained but not acted upon in the absence of the papers, and that such a motion being pending, the bill or resolution is not finally passed. The speaker is not permitted to sign an enrolled bill pending a motion to reconsider made after the bill had been delivered to the senate. The U. S. Supreme Court, however, has held a law valid, when pending a motion to reconsider, and before it was acted upon, the bill was presented to the President and approved, the signing of the bill by the Speaker and Vice President, being complete and unimpeachable evidence of its passage. 143 U. S. 650. This reason for holding the bill legally passed would not hold in Wisconsin, for the supreme court has held the journals to be the constitutional evidence of the proceedings of the legislature, and if they do not show complete and final action, the signatures of the presiding officers and of the Governor, and publication as an act, would not avail to make the bill a law. 94 Wis. 367; 109 Wis. 90. The reason for the different rule probably lies partly in the methods of signing enrolled bills; in Congress these bills are signed only in open session, while in the Wisconsin legislature they are signed at any time, and at any place, having

even been signed at the railroad station, the presiding officer being about to take a train.

However, opinions of two Speakers of the U. S. House of Representatives, given after Congress adjourned *sine die* and hence unofficial, are that where a Congress expires without acting on the motion to reconsider, for the want of time or inclination, the motion, of course, fails and leaves the original proposition operative. It would not be operative, however, until adjournment.

The House of Representatives considers itself in possession of the papers when the enrolled bill is presented to the Speaker for his signature, and has acted on a motion to reconsider at this time.

Questions.

Jefferson's Manual (44)—When Question Removed and When Suspended. It may be asked whether the House [*64] can be in possession of two motions or propositions at the same time? so that, one of them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So, when it is interrupted by the orders of the day. Such other privileged questions also as dispose of the main question (e. g., the previous question, postponement, or commitment), remove it from before the House. But it is only suspended by a motion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided.

Jefferson's Manual (45)—When and How Question is Recorded in Journal. If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second.

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning, or laying it on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed, which it may be improper to publish to the world in the form in which they are made.

Jefferson's Manual (46)—Equivalent questions. Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other.

[*65] ***Note (28).** If the House is equally divided, the question is decided in the negative, but this does not conclude the affirmative of an equivalent question, for "the former law is not to be changed except by a majority."

Jefferson's Manual (47)—Practice Under Rule that Question Once Decided Stands. In Parliament a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. And a bill once rejected, another of the same substance cannot be brought in again the same session. But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So orders of the House, or instructions to committees may be discharged.

Divers expedients are used to correct the effects of this rule; as, by passing an explanatory act, if anything has been

omitted or ill expressed, or an act to enforce, and make more effectual an act, etc., or to rectify mistakes in an act, etc., or a committee on one bill may be instructed to receive a clause to rectify the mistakes of another. Thus, June 24, 1885, a clause was inserted in a bill for rectifying a mistake committed by a clerk in engrossing a bill of supply. Or the session may be closed for one, two, three or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin de novo. Or a part of the subject may be taken up by another bill, or taken up in a different way.

So a bill, begun in one House, and sent to the other, and there rejected, may be renewed again in that other, passed and sent back. Or if, instead of being rejected, they read it once and lay it aside or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title.

And in cases of the last magnitude, this rule has not been so strictly and verbally observed as to stop indispensable proceedings altogether. Thus when the address on the preliminaries of peace in 1782 had been lost by a majority of one, on account of the importance of the question, [40] and *smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some Members, was brought on again and carried, as the motives for it were thought to outweigh the objection of form.

A second bill may be passed to continue an act of the same session, or to enlarge the time limited for its execution. This is not in contradiction to the first act.

Senate Rule 74. What questions to be decided without debate. A motion to adjourn, to take a recess, to lay on the table, to take from the table, and a call for the previous question, shall be decided without debate. And all incidental questions of order, arising after a motion is made for either of the questions named in this rule, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Senate Precedent (85). Motion to lay on table nondebatable. April 13, 1909 (pg. 557, senate journal), March 7, 1911 (pg. 285, senate journal).

Senate Precedent (86). Motion to take from table is non-debatable. In 1911 motion to take from the table was not included in this rule but was held to be nondebatable. On June 21, 1911, page 1078, senate journal, the president (Lieutenant Governor Morris) held a motion to take from the table is not debatable, being the same in this regard as a motion to lay on the table. In 1913, following this precedent, a motion to take from the table was included in this rule.

A motion to reconsider is not debatable when the question which it is moved to reconsider was not debatable. This also was held in the ruling cited above.

Senate Precedent (87). Motion to resolve into committee of the whole is debatable. The following entry appears in the senate journal for February 5, 1913:

"Senator Burke rose to a question of parliamentary inquiry, whether the question to resolve itself into a committee of the whole is debatable.

The president (Lieut. Gov. Morris) answered that this motion was debatable."

Senate Rule 75. Privileged question. Any motion or resolution relating to the organization of the senate, or to any of its officers, members, or committees, shall be privileged and need not lie over for consideration.

[407] ***Senate Precedent (88). Resolution to amend rules is privileged.** On February 19, 1913, in deciding a point of order upon a resolution to amend the rules the president (Lieut. Gov. Morris) said: "The resolution is in order to be received at this time, but must be printed in the journal and lie on the clerk's desk for one day, not being received for action until tomorrow, when it has privilege of immediate consideration."

On February 20, 1913, Senator Ackley offered a substitute amendment for the resolution to amend the rules.

Senator Randolph asked unanimous consent that Rule 39 be suspended and the substitute amendment be considered at once.

The president (Lieut. Gov. Morris) stated whereas Res. No. 10, S., has privilege of immediate consideration under Rule 75, the substitute amendment comes within the exception in Rule 39, and need not lie over for printing, but has privilege of immediate consideration.

Senate Precedent (80). Resolution for special committee to make investigation is privileged. On March 25, 1909 (pg. 494, senate journal), Senator Owen introduced a resolution for a further investigation by a senate committee of the preceding U. S. Senatorial campaign. Senator Hudnall asked that the resolution lie over under the rules, but the president (Lieut. Gov. Strange) held the resolution privileged.

Senate Rule 76. Division of question. Any member may call for the division of a question, which shall be divided if it comprehend propositions, in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the senate. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor motion to strike out and insert.

Jefferson's Manual (48)—Debate after First Member Decided. When a question is divided, after the question on the first member, the second is open to debate and amendment; because it is a known rule that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put. See Execut. Jour., June 25, 1795. The same decision by President Adams.

[*68] ***Senate Precedent (90). Question on assembly amendment to senate bill may be divided.** On June 9, 1909 (pg. 1071, senate journal), the question was upon concurrence in an assembly amendment to a senate bill. Senator Whitehead asked for a division of the question. The amendment was divided and each part put separately.

Senate Precedent (91). Question on assembly amendment to senate bill has been divided and one member rejected and the other adopted with an amendment. On April 19, 1899, Senator Whitehead moved that the assembly amendment to No. 16, S., be divided, which motion prevailed. The first member of the amendment was rejected and the second member after amendment was concurred in.

Senate Rule 77. Putting question; division. All questions shall be put in this form. "Those who are of the opinion that the bill pass, be concurred in, etc. (as the case may be), say, 'aye.' Those of contrary opinion say, 'no.'" and in doubtful cases any member may call for a division.

Jefferson's Manual (49)—Presiding Officer May Call Division. The affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it by the sound, if he be himself satisfied, and it stands as the judgment of the House. But if he be not himself satisfied which voice is the greater, or if before any other member comes into the House, or before any new motion made (for it is too late after that), any member shall arise and declare himself dissatisfied with the Speaker's decision, then the Speaker is to divide the House.

Jefferson's Manual (50)—Effect of No Quorum on Question. When from counting the House on a division it appears that there is not a quorum, the matter continues exactly in the state in which it was before the division, and must be resumed at that point on any future day.

Jefferson's Manual (51)—Point of Order Decided Peremptorily in Division. If any difficulty arises in point of [*69] order during the division, the *Speaker is to decide peremptorily, subject to the future censure of the House if irregular.

Jefferson's Manual (52)—Tie Vote Loses Question. If the House be equally divided, the former law is not to be changed but by a majority.

Senate Precedent (92). Number voting on either side not recorded on division. It is not the practice of the senate to record in the journal the number of senators voting on the affirmative and negative sides on division. One instance of such a record being made, however, occurred on April 2, 1903

(page 660, senate journal), when the journal records that an amendment to joint resolution No. 25, S., was refused adoption on a division by a vote of 12 to 20.

Voting.

Senate Rule 78. Yeas and nays. The yeas and nays shall be ordered when demanded by one-sixth of the members present. In recording the votes taken by yeas and nays, the clerk shall report those absent or not voting.

Jefferson's Manual (53)—Member May Change Vote. 1606, May 1, on a question whether a member having said yea may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, who in like case changed his opinion.

Senate Precedent (93.) Yeas and nays may be demanded at any time before result of vote is announced. On March 3, 1909, (pg. 383, senate journal), in joint convention, a motion to dissolve was put to a viva voce vote, and evidently the president was unable to decide and put the question to a division, but as he put the negative Senator Hudnall demanded a roll call and the president called for the seconds required. Senator Randolph rose to a point of order that the joint convention was in the process of voting by a division. Senator Hudnall expressed the opinion that request for yeas and nays was in order at any time before announcement of the result. The president (Lieut. Gov. Strange) held the point of order raised by Senator Randolph not well taken and proceeded with request for the yeas and nays.

Senate Precedent (94). Result being announced while senator is asking recognition to request yeas and nays, the request has been received. On March 13, 1913, a question was put to viva voce vote, and while Senator Burke was endeavoring to secure recognition, the president announced that the yeas had it. Senator Burke then asked for the yeas and nays. Senator Randolph rose to a point of order that the vote was announced. The President stated that books on his desk obstructed his view of Senator Burke, and requested that the senate permit him to entertain the request for the yeas and nays; there being no objection, the request was entertained and the yeas and nays were demanded.

Senate Precedent (95). Members must remain at seats during vote. On Jan. 28, 1909 (pg. 111, senate journal), in joint convention, the president (Lieut. Gov. Strange) ruled that all members must remain at their seats during the casting of the vote.

Senate Precedent (96). The yeas and nays interrupted by unanimous consent to the purpose of interruption. On April 26, 1911, page 574, senate journal, the calling of the roll proceeded to the name of Senator Blaine, Senators Albers and Bishop voting "Ave."

Upon request of Senator Blaine and by unanimous consent, the roll call was interrupted to permit the chairman of the committee on Corporations to explain the bill.

Senator Owen spoke to the bill.

Senator Gaylord sought recognition to move that the bill lay over for one week.

The president held that such a motion could not be received for the reason that the roll call could not be interrupted except for the purpose for which unanimous consent had been given.

Senator Gaylord asked unanimous consent for the reception and putting of his motion that the bill lie over for one week.

Senator Bodensstab objected.

Senator Owen sought recognition to move that the rules be suspended to permit action on Senator Gaylord's motion.

The president held that such a motion could not be received for the same reason that the motion by Senator Gaylord could not be received.

Senator Bodensstab then withdrew his objection to the reception and consideration of the motion by Senator Gaylord. And the motion was entertained.

Note: This ruling was thought unparliamentary by some of the senators, and the chief clerk addressed the following

inquiry to Honorable Asher C. Hinds, Member of Congress, who was 109 years Parliamentary Clerk of the House of Representatives, and author of *Hinds' Precedents of the House of Representatives*.

"Two members of the Wisconsin senate had voted on a yeas and nays vote on the indefinite postponement of a bill. By unanimous consent the chairman of the committee which reported the bill was permitted to explain the bill, and another senator spoke, and was not called to order. This senator moved that the bill lay over for one week. The chair ruled that the motion could be received only by unanimous consent; objection was made. The chairman of the committee then moved that the rules be suspended to permit the reception of the motion to lay over. The chair held that the motion to suspend the rules could [*71] be 'received only by unanimous consent. Was his ruling proper?' The following reply was received from Mr. Hinds.

"I have received your letter and have noted the inquiry. I am inclined to think that after a roll call has been begun anything intervening must necessarily be by unanimous consent. At least that is the rule with us in the House of Representatives in Washington. It seems to me a good rule and I should rather think the chairman was right in his ruling."

Senate Precedent (97). Points of order during voting are decided peremptorily. In joint convention Feb. 9, 1909 (pg. 208, senate journal). In joint convention Feb. 10, 1909 (pg. 228, senate journal). In joint convention March 1, 1909 (pg. 359, senate journal).

Jefferson's Manual (54)—Tie Vote Loses Question. If the House be equally divided, "the former law is not to be changed but by a majority."

Senate Rule 7b. Every member to vote. Every member present when a question is put, or when his name is called, shall vote, unless the senate shall, for a special cause, excuse him, but it shall not be in order for a member to be excused after the senate has commenced voting. In case the vote is by yeas and nays, or by division, a member entering the chamber after the question is put and before it is decided, may have the question stated, record his vote, and be counted.

Note (29). Jefferson's Manual prohibits a member voting who was not present when the question was stated. The practice of the senate, however, is to permit a senator to vote at any time before the result is announced, whether or not he was present when the question is stated, and to restate the question upon request of any senator. The last sentence of rule 79 was added to the rule in 1913, to supersede Jefferson's Manual and thus eliminate the irregularity of this practice of the senate.

Jefferson's Manual (55)—Member with Private Interest in Question not to Vote. No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws.

Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed. [*72] even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

Jefferson's Manual (56)—Member May Have Papers Read Before He Votes. Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them; but it is a great though common error to suppose that he has a right, totes quotes, to have acts, journals, accounts, or papers on the table, read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen

that it is really for information and not for delay, the speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put.

Senate Precedent (98). President may order in the name of the senate each member present to vote. On July 11, 1907 (page 1250, senate journal), the question was upon an amendment to No. 15, A., a bill to establish a two cent passenger fare on certain railroads. It was the last working day of the session and but seventeen members were present. The bill was being bitterly fought, and upon the final roll Senators Sanborn and Wilcox sat in their seats and did not vote, seeking thereby to defeat the bill by breaking a quorum. The president (Lieutenant Governor Connor) read the above rule and ordered the senators in the name of the senate to vote. They complied and final action upon the bill was taken by a quorum. The journal does not record this, recording only the vote.

Senate Precedent (99). Senator may be excused from voting. On January 27, 1897 (page 61, senate journal), Senator McMullen was excused from voting for United States senator. This probably was done by unanimous consent although the journal does not so state.

Senator Lyons excused May 20, 1909 (page 845, senate journal). Senator Fairchild excused May 20, 1909 (page 845, senate journal).

[*73] *On June 9, 1911 (page 952, senate journal), the question was upon No. 506, S., a bill providing for an annual appropriation for the purchase of forest reserve lands. Senator Wright was excused from voting upon all questions relating to the bill because of his interest in lands which the forestry commission proposed to buy.

Senate Precedent (100). Senator has been permitted to vote "present." On Jan. 26, 1909 (pg. 79, senate journal), Senator Martin moved that any senator who did not wish to vote for a candidate for United States Senator might vote by answering "present."

The motion prevailed, and the journal records sixteen senators to have "voted, 'present.'"

The following day (pg. 80, senate journal), motion was made to change the journal to show that the motion made by Senator Martin was "Any senator may simply answer 'present' and not vote," and that the motion stated by the president was "That senators be allowed to vote 'present,'" but the senate refused to change the journal.

Thereafter, during the deadlock on United States Senator, a point of order was made and overruled by the president (Lieut. Gov. Strange) each day in the joint convention against further proceedings on the ground that the sixteen senators recorded as voting present were not to be counted, and that therefore a majority of the senate as well as a majority of the assembly had voted on Jan. 26 for the same person for United States Senator.

Senate Precedent (101). The Senate has refused to excuse a senator from voting on dispensing with further proceedings under call of the senate. On April 8, 1899 (p. 628, senate journal), Senator Anson asked to be excused from voting, which request was refused.

Note. Rule 90 provides, that no business shall be transacted under call except to receive and act upon the report of the Sergeant-at-Arms, and that no motion shall be entertained except to adjourn or to dispense with further proceedings. To excuse a senator from voting, even by unanimous consent, would probably be transacting business other than that permitted by the rule, and therefore the request would probably be out of order.

Senate Precedent (102). After roll call has begun explanation of vote may be made only at time vote is cast. On March 3, 1909 (pg. 377, senate journal), the yeas and nays were being called. When Senator Hudnall's name was called he rose and explained his vote. When Senator Sanborn's name was called he also rose and explained his vote. Senator Krumrey, who had voted, then rose to make a statement. Senator Randolph rose to a point of order that Senator Krumrey was out of order, and the president (Lieut. Gov. Strange) held the point well taken.

Senate Rule 80. Pairs. Members may pair on any question by filing a signed statement of the same [74] with *the chief clerk, who shall read the same to the senate before the vote is taken. A blank form of pair for the use of members shall be provided by the chief clerk.

Senate Rule 81. Lieutenant governor to cast deciding vote. The lieutenant governor shall not vote except in the case of a tie vote in the senate, and he shall cast the deciding vote. See section 8 of article V, constitution.

Senate Precedent (103). On pair filed with the clerk, the senator present may be released and vote only by suspension of the rules. On May 25, 1909 (p. 870, senate journal), Senator Lyons asked to be released from his pair with Senator James on No. 561, S., stating that Senator James had released him privately by telephone. Senator Hudnall moved that the rules be suspended and Senator Lyons released from the pair. The senate refused to suspend the rules and Senator Lyons was not permitted to vote.

PREVIOUS QUESTION

Senate Precedent (104). A motion may be made and the previous question on such motion moved by the senator making the motion while he still retains the floor. On February 28, 1911, page 249, senate journal, Senator Bodensab moved limit of debate and previous question on his motion. The president (Lieut. Gov. Morris) held that under general parliamentary precedent and practice a senator can make a motion and at the same time move the previous question on such motion.

Senate Rule 82. Moving previous question. When any bill, memorial or resolution is under consideration, any member being in order and having the floor, may move the "previous question," but such motion must be seconded by at least five senators.

Senate Rule 83. Putting of Motion; Ending Debate. The previous question being moved, the presiding officer shall say, "it requiring five senators to second the motion for the previous question, those in favor of [75] *sustaining the motion will rise." And if a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by the yeas and nays. The main question being ordered to be now put, its effect shall be to put an end to all debate, and bring the senate to a direct vote upon amendments, if any be pending or offered, and then upon the main question.

Senate Rule 84. Main question may remain before the senate. When on taking the previous question, the senate shall decide that the main question shall not now be put, the main question shall remain as the question before the senate, in the same stage of proceedings as before the previous question was moved.

Senate Rule 85. But one call of the senate in order. On motion of the previous question, and prior to the ordering of the main question, one call of the senate shall be in order; but after proceedings under such call shall have been once dispensed with, or after a majority shall have ordered the main question, no call shall be in order prior to the decision of such question.

Note (30). This rule was amended in 1913 so as to permit amendments to be offered after the main question had been ordered, it being considered unnecessary in the Wisconsin senate to have so strict a rule upon the previous question. The application of the rule prior to that time is shown by the following:

Senate Precedent (105). On May 3, 1912 (pg. 46, senate journal), the main question was ordered on No. 14, A., and was "Shall the bill be ordered to a third reading." Senator Gaylord offered an amendment, but the president

(Lieut. Gov. Morris) ruled that the amendment could not be received, the main question having been ordered.

[*76]

***CALL OF THE SENATE.**

Senate Rule 86. Call of the senate. Five senators may make a call of the senate and require absent members to be sent for, but a call of the senate cannot be made after the voting has commenced.

Senate Rule 87. Putting question. On a call of the senate being moved, the presiding officer shall say: "It requiring five senators to make a call of the senate, those in favor of the call will rise." And, if a sufficient number shall rise, the call shall be thereby ordered.

Senate Rule 88. Doors to be closed. A call of the senate being ordered, the sergeant-at-arms shall close the doors, and no member shall be allowed to leave the chamber.

Senate Rule 89. Sergeant to bring in absentees. The clerk shall immediately call the roll of the members, and note the absentees, whose names shall be read, and entered upon the journal in such manner as to show who are absent with leave and who are absent without leave. The clerk shall furnish the sergeant-at-arms with a list of those who are absent without leave, and the sergeant-at-arms shall forthwith proceed to find and bring in such absentees.

Senate Rule 90. Senate under call; raising call; adjournment. While the senate is under a call no business shall be transacted except to receive and act on the report of the sergeant-at-arms; and no other motion shall be in order, except a motion to adjourn, and a motion to suspend further proceedings under the call, which motions shall be determined by yeas and nays; and the motion to suspend further proceedings under the call shall not be adopted, unless a majority of all the members elect vote in favor thereof. A majority of those [*77] present may adjourn, but upon re-convening, the senate shall not be considered to be under the call, but the call of the senate may again be ordered in the same manner as above described.

Senate Rule 91. Sergeant-at-arms may report. The sergeant-at-arms may make a report of his proceedings at any time, which report may be accepted, and further proceedings under the call thereby dispensed with; but the motion to accept such report shall be determined by yeas and nays, and it shall not be adopted unless a majority of all the members elect of the senate shall vote in favor thereof. If such report be not accepted, the sergeant-at-arms shall proceed to a completion of his duties as required by rule number 88.

Senate Rule 92. Call raised when absentees present. When the sergeant-at-arms shall make a report showing that all who were absent without leave (naming them) are present, such report shall be entered on the journal, and the call shall be at an end; and thereupon the doors shall be open and the business pending when the call was made shall be proceeded with.

Senate Precedent (106). The senate has refused to excuse a senator from voting on dispensing with further proceedings. On April 8, 1899 (p. 628, senate journal), Senator Anson asked to be excused from voting, which request was refused.

Note: Rule 90 provides that no business shall be transacted under call except to receive and act upon the report of the sergeant-at-arms, and that no motion shall be entertained except to adjourn or to dispense with further proceedings. To excuse a senator from voting, even by unanimous consent, would probably be transacting business other than that permitted by the rule and therefore the request probably would be out of order.

[*78]

•EMPLOYEES

Senate Rule 83. Employment and discharge of employees. All appointments and removals of assistants to the chief clerk or subordinates to the sergeant-at-arms shall be made by such chief clerk or sergeant-at-arms respectively. No employee shall be allowed compensation except for such time as he is actually in attendance, except when absent with leave in writing from his superior officer. Upon no day of the week shall employees be exempted from this provision. Every employee shall perform such duties in connection with the work of the senate as he shall be assigned by his superior officer, and shall be available at such hours as his superior officer shall direct.

Note (31). The movement for efficiency on the part of legislative employees began in Wisconsin in 1907, when the civil service law applied to legislative positions for the first time. This law displaced the spoils system, under which clerks not qualified were likely to be appointed, and most of the clerks did not expect and were not expected to render services commensurate with their compensation. The tendency of the civil service law is to place in the positions clerks better qualified and to make prevalent the idea of giving value received for their compensation. The idea of clerical efficiency is a comparatively new one in legislative bodies, and even the civil service law could not bring about a revolution in Wisconsin in this respect. The idea has grown through the several sessions since 1907, however, and by reason of the better qualifications of the men, the changing idea of the nature of the service, greater requirements, and better organization, the clerical force of the Senate of 1913 very nearly reaches the percentage of efficiency that is obtained in permanent business establishments, under conditions which the nature of the employment makes much more adverse than would be met in such establishments.

Senate Rule 94. Certification of pay roll. The chief clerk and the sergeant-at-arms of the senate shall certify to the secretary of state the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively due them, which certificates shall be approved by the presiding officer of the senate.

[*79]

•RULES

Jefferson's Manual (57)—Member May Insist Rules be Carried Out. The only case where a member has a right to insist on anything, is where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution, any person has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when there is not a quorum present.

Senate Rule 95. Rescinding, or amending, rules. No standing rule or order shall be rescinded or changed without one day's notice being given for the motion therefor, which motion shall embrace the proposed amendment. These rules shall not be rescinded or changed except by a vote of at least two-thirds of the members present. Unless there shall be unanimous consent for the suspension of the same the vote shall be taken by yeas and nays.

Senate Precedent (107). A motion to create a standing committee is an amendment to the rules and must lie over one day, but a motion to create a special committee may be acted upon at once. On February 17, 1911, page 215, senate journal, Senator Scott moved that a committee on legislative procedure be appointed. The president (Lieut. Gov. Morris) held that the motion must lie over one day under rule 95. Senator Scott then withdrew his motion with consent and moved that the president appoint a special committee, which motion was put at that time.

Senate Precedent (108). Offer of resolution to amend rules is notice and resolution lies over one day. On February 19,

1913, Senator A. E. Martin offered a resolution to amend rule 12.

Senator Randolph rose to a point of order that under rule 95 a day's notice of a motion to rescind or change standing rule must be given, and that therefore the resolution offered by Senator Martin was out of order.

The president (Lieut. Gov. Morris) held:

Under rule 95 one day's notice must be given before a motion or resolution to amend the rules can be acted [80] upon, but under the *practice of the senate, the offering of the resolution is in itself the giving of notice of the motion contained in the resolution.

The resolution is in order to be received at this time, but must be printed in the journal and lie on the clerk's desk for one day, not being received for action until tomorrow, when it has privilege of immediate consideration.

Senate Rule 96. Suspending rules. These rules may be suspended by the senate by vote of two-thirds of the members present. The vote shall be determined by yeas and nays unless unanimous consent be given.

Senate Precedent (109). On motion to suspend rules, main question cannot be debated. On April 27, 1911, page 585, senate journal, Senator Bodenshtab moved that the rules be suspended to permit him to offer an amendment to a bill on third reading, and spoke to his amendment. Senator Randolph rose to a point of order that, the question being on the suspension of the rules, discussion of the amendment was not in order. The president (Senator Martin) held that the point of order was well taken.

Senate Precedent (110). On question to suspend the rules to release a senator from a pair on a bill, the senators paired on the bill cannot vote. On May 25, 1909 (pg. 870, senate journal), the question was upon motion to suspend the rules and release Senator Lyons, who was present, from a pair with Senator James, who was absent, but who Senator Lyons stated had released the pair by telephone. Senator Randolph rose to a point of order that senators who were paired on the bill could not vote on suspension of the rules.

The president (Lieut. Gov. Strange) held the point well taken.

Senate Precedent (111). On June 20, 1911, page 1056, senate journal, the senate adopted a resolution by unanimous consent which, without specifically amending or suspending rule 19, changed the calendar day for the rest of the session.

This precedent follows the practice of the senate.

Senate Rule 97. Jefferson's Manual—rules of practice. The rules of parliamentary practice comprised in Jefferson's Manual, shall be the standard in all cases to which they are applicable and in which they are not inconsistent with these rules.

[*81]

***JOINT RULES**

OF THE

SENATE AND ASSEMBLY

With Extracts from Jefferson's Manual,
Precedents, and Notes

Note. For several sessions the senate and assembly endeavored to adopt all rules jointly, but could not agree on various rules affecting the procedure in each house. In 1913, the senate took out of its rules, all rules that were in their nature joint, and adopted a joint resolution making them joint rules. The assembly concurred in this resolution.

Jefferson's Manual (58)—High Privilege of Messages. Messages between the Houses are to be sent only while both Houses are sitting. They are received during a debate without adjourning the debate.

In the Senate the messengers are introduced in any state of business, except (1) while a question is being put; (2) while the yeas and nays are being called; (3) while the ballots are being counted. The first case is short; the second and third are cases where any interruption might occasion errors difficult to be corrected. So arranged June 15, 1798.

In the House of Representatives, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee, without any question or interruption.

[*82] Joint Rule 1. Joint convention. Whenever there shall be a joint convention of the two houses, the proceedings shall be entered at length upon the Journal of each house. The lieutenant governor or president of the senate shall preside over such joint convention, and the chief clerk of the assembly shall act as clerk thereof, assisted by the chief clerk of the senate; provided that the lieutenant governor shall not act in said convention except as the presiding officer, and in no case shall have the right to give the casting vote.

Joint Precedent (1). The senate has ignored order of joint convention that minutes of joint convention in senate journal be changed. On March 2, 1909 (pg. 336, senate journal), a motion to change in the senate journal the record of the joint convention of the day before was ruled out of order by the president (Lieut. Gov. Strange). Upon appeal the president was overruled (the appeal being decided, however, without a roll call). The motion then prevailed.

The journal of the senate had been approved before this action by the joint convention, and the president directed the chief clerk of the senate to ignore the order of the joint convention, and the senate journal was not changed.

Note. The chief clerk in 1911, upon another point, wrote an inquiry to Hon. Asher C. Hinds, Member of Congress, who was for years Parliamentary Clerk of the House of Representatives and author of Hinds' Precedents, of House of Representatives, and the following reply was received from Mr. Hinds:

"Unless your constitution and rules are different from any I have seen, I don't see how the chief clerk of a legislative body—or anyone else—can change a journal which the body itself has approved. A precedent on an analogous

case, which seems to cover the principle involved, is found in Volume 3, Section 2598, of the Precedents. Of course the body itself may change its journal at any time, may even make it fail to record a transaction which took place, although it ought not to do the latter."

Joint Precedent (2). Senator has been excused from voting for United States senator. On January 27, 1897 (page 61, senate journal) in joint convention for the election of United States senator, Senator McMullen was excused from voting.

Joint Precedent (3). In joint convention for election of United States senator, no motion to proceed to vote is required or in order. Jan. 27, 1909 (pg. 95, senate journal), Senator Owen moved that the joint session proceed to ballot for United States senator.

Senator Husting rose to a point of order saying, "The motion is out of order; the statute prescribes the method [*83] by which a *United States senator shall be elected.

The statute prescribes the order of proceeding and nothing intervenes between the convening of the joint assembly and the vote; everything else is out of order."

The president (Lieut. Gov. Strange) held the point of order well taken.

Joint Precedent (4). Members must remain at seats during vote. On Jan. 28, 1909 (pg. 111, senate journal), in joint convention, the president (Lieut. Gov. Strange) ruled that all members must remain at their seats during voting by roll.

Joint Precedent (5). Those not members are not permitted to enter upon the floor to endeavor to influence proceedings. In joint convention Jan. 28, 1909 (pg. 112, senate journal).

Joint Precedent (6). Points of order during voting are decided peremptorily. In joint convention Feb. 9, 1909 (pg. 208, senate journal). In joint convention Feb. 10, 1909 (pg. 228, senate journal). In joint convention March 1, 1909 (pg. 359, senate journal).

Joint Precedent (7). Upon roll call showing lack of quorum president has declared joint convention dissolved. March 1 (pg. 359, senate journal). See also March 2 (pg. 367).

Joint Rule 2. Committees of conference. In all cases of disagreement between the senate and assembly on amendments, adopted by either house to a bill, memorial or resolution passed by the other house, a committee of conference consisting of three members from each house may be requested by either house, and the other house shall appoint a similar committee. The usual manner of procedure is as follows: The senate, for instance, passes a bill and it is duly messaged to the assembly, which body adopts an amendment to the bill and concurs in it as amended, returning the same, with record of the action of the assembly to the senate; the senate refuses to concur in the assembly amendment and so notifies the assembly; the assembly adheres to its amendment and asks for a committee of conference, and appoints such committee on the part of the assembly, and this action is reported to the senate, whereupon, a like committee is appointed by the senate. The joint committee shall, at a convenient hour agreed upon meet and state to each other, verbally or in writing, the reason of their respective houses for or against the disagreement, [*84] and *confer thereon, and shall report to their respective houses such agreement as they may arrive at, if any, and if not the fact of a disagreement. The house having possession of the bill at the time the conference report is made shall first act upon such report, if an agreement is reported, and duly message the same to the other house, together with the bill, which if the conference report be concurred in and the bill concurred in as amended, shall be the bill that is finally passed.

Note (32). This rule leaves the procedure indefinite in conducting conferences, and in action on conference reports. A joint resolution was adopted by the senate in 1913, amending the rule to read as follows:

"In all cases of disagreement between the senate and assembly on amendments, a committee of conference may be requested by the house in possession of the papers. The request, with the papers, shall be at once messaged to the other house. The message shall receive immediate consideration in the other house, and a committee of conference shall be agreed to. The conference committee shall consist

of three managers for each house, and each house shall be notified by message of the managers for the other house.

"The managers of the conference shall confine their report to the differences between the two houses committed to them. If the disagreement is upon simple amendments, they shall confine their report to the substance of such amendments. If the disagreement is upon a substitute amendment, they shall confine their report to the differences between the bill or resolution and the substitute.

"The conference report shall be signed by at least a majority of the managers for each house and shall be presented to each house. A manager may be recorded as dissenting, but shall not present a minority report. The papers shall accompany the report to the house which agreed to the conference and the report shall be placed upon the next calendar. Action on the report should be messaged, with the papers, to the other house at once. The conference report shall not be acted upon by the house that requested the conference until notice of the action of the other house and the papers shall be received by message, but may be considered at once upon receipt of such message.

"Conference reports may be presented under any order of business. The question upon adoption shall be indivisible, and the adoption of the report shall be the only action necessary to pass the bill or resolution in the form recommended by the committee of conference. Conference reports may be amended only by joint resolution.

"If the conference report recommends no change in the position of one house, action by that house on the report shall be unnecessary and the papers shall accompany the report to the other house."

[*85] *This embodies the practice in Congress, except in the one important particular that enabled the use of the conference as a tool of the majority organization to force legislation without opportunity for amendment. In congress, if the difference is upon a substitute, the whole subject is opened up, and the conference may report out any kind of a bill it desires, even incorporating provisions that have been rejected by both houses, and the indivisibility of the report compels the passage of these provisions. This feature is eliminated in the rule proposed by the senate by confining the conference in all instances, when the disagreement is upon a substitute as well as when it is upon simple amendments, to the absolute differences between the houses, so that the principle of conference may then be carried out by making the report indivisible without subjecting the conference to the abuse seen in Congress.

The assembly, however, nonconcurred in the senate amendment to the rule, and it remains in its old form.

Jefferson's Manual (50)—Only Those Favoring the Matter Appointed on Committee. Those who take exceptions to some particulars in the bill are to be of the committee, but none who speak directly against the body of the bill; for he that would totally destroy will not amend it, or, as is said, the child is not to be put to a nurse that cares not for it. It is therefore a constant rule "that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1806, Mr. Hadley was, on the question being put, excused from being of a committee, declaring himself to be against the matter itself.

Note (33). The committee for each house should represent the views of that house.

Joint Rule 3. A nonconcurred in amendment reconsidered. Whenever an amendment has been nonconcurred in by the other house, any member may move to recede from such amendment. If the motion prevail such amendment shall thereby be reconsidered and rejected, and the bill or amendment to which said amendment had been adopted by the house shall thereby be passed or concurred in, as the case may be, so that no further action shall be required thereon in either house.

[*86] ***Jefferson's Manual (60)—Amendments between the Houses.** A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House is passed by the other with an amendment.

The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment, that being only in the 2d and not the 3d degree; for, as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the 1st degree, and the amendment to that again by the amending House is only in the 2d, to wit, an amendment to an amendment, and so admissible. Just so, when, on a bill from the originating House, the other, at its second reading, makes an amendment; on the third reading this amendment is become the text of the bill, and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the 2d degree.

When either House, e. g., the House of Commons, sends a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose to keep the question open. But the first adherence by either renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. The term of insisting, we are told by Sir John Trevor, was then (1679) newly introduced into parliamentary usage, by the Lords. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a [*87] concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance, but it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences, at least, before an adherence.

Either House may recede from its amendment and agree to the bill; or recede from its disagreement to the amendment, and agree to the same absolutely, or with an amendment; for here the disagreement and receding destroy one another, and the subject stands as before the disagreement.

But the House cannot recede from or insist on its own amendment, with an amendment; for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form. Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

[Note: Briefly defined: Under Jefferson's Manual to insist is to urge upon the other house concurrence in the position of the house insisting—to adhere is an irrevocable decision, and the other house must recede and accept the position of the house adhering, or the matter fall.]

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

A bill originating in one House is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of disagreement, or must the question on disagreement be expressly voted? The question respecting amendments from another House are—1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

[*88] *1st. To agree.
 2d. To disagree.

} Either of these concludes the other necessarily, for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed; e. g., if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede.
4th. To insist.
5th. To adhere.

} You may then either insist or adhere.

You may then either recede or adhere.

You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote, the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote; for two alternatives still remain, either of which may be adopted by the House.

Joint Rule 4. Joint committee hearings. Joint hearings before the corresponding committees of the two houses may be held upon agreement between the chairmen of the two committees, who shall give three days' notice to the members of their respective committees of the time and place of such hearings. Such joint hearings shall take the place of separate hearings, and shall be final unless the house where the bill is pending shall order a further hearing before its own committee.

Joint Rule 5. Chairman of joint committee. In joint committees standing or select, the chairman of the senate committee shall be chairman of the joint committee.

[*89] **Jefferson's Manual (63)—How Joint Committees Act.** It appears that on joint committees of the Lords and Commons, each committee acted integrally in the following instances: 7 Grey, 261, 278, 285, 338; 1 Chandler, 357, 462. In the following instances it does not appear whether they did or not: 6 Grey, 129; 7 Grey, 213, 229, 321.

Notes: The practice in the Wisconsin Legislature is for a joint committee to act integrally, not the committee of each house composing the joint committee.

Senate Precedent (112). Either house may instruct joint committee as to papers referred to such committee by the house instructing. On May 26, 1909 (pg. 874, senate journal), a resolution was introduced instructing the joint committee on Claims to report without delay two bills referred to the joint committee by the senate. Discussion upon the power of the senate to instruct a joint committee arose and later in the day the resolution was withdrawn upon agreement by the committee to bring in the bills.

On the following day (pg. 890, senate journal), the following entry appears:

"In order to settle a question of parliamentary practice which came up in the senate yesterday,

Senator Sanborn asked to have the following telegrams printed in the Journal:

Madison, Wis., May 26, 1909.

Asher C. Hinds,
Clerk of Speaker's Table,
Washington, D. C.

Can senate by senate resolution ask a joint committee to report a senate bill which has been referred to it by the senate? We would like answer before evening.

C. McCarthy.

Room 417, Capitol.

Washington, D. C., May 26, 1909.

C. McCarthy,
Madison, Wis.

A joint committee may be instructed by the two houses acting concurrently, or by either house acting independently.

Asher C. Hinds.

Senator Whitehead said: The interrogatory addressed to Mr. Hinds did not specify a joint committee created under a statute, so that the particular point of the controversy before the senate yesterday has not been settled by the answer of Mr. Hinds."

Note. It would seem that regardless of whether the committee were created by statute or by rule, that reference of papers by either house to a committee did not place those papers beyond the jurisdiction of that house. On many joint committees the committee from each house acts integrally, although the practice on the joint committee on Claims has been and is now for the entire committee to act integrally.

Joint Rule 6. Record of committee proceedings. 1. The chairman or acting chairman of each committee of the legislature shall keep, or cause to be kept, a record, in which there shall be entered:

(a) The time and place of each hearing, and of each meeting of the committee.

(b) The attendance of committee members at each meeting.

(c) The name of each person appearing before the committee, with the name of the person, persons, firm or corporation in whose behalf such appearance is made.

(d) The vote of each member on all motions, bills, resolutions and amendments acted upon.

2. Such record shall be read and approved before the expiration of ten days after each committee meeting, or at the next regular meeting of the committee.

3. Every committee hearing shall be open to the public.

4. There shall be filed, in the proper envelope, with every bill or resolution reported upon, a sheet containing the foregoing information as to such bill or resolution, with a duplicate thereof to be filed by the chief clerk numerically by the number of the bill in such form to be most accessible for the use of the members and the public, during the session and at the end thereof in the office of the secretary of state.

Note. This rule is operating for the first time at this session. It was adopted as part of the movement for more publicity in legislation, which began in Wisconsin with the passage, several years ago, of the law which required paid lobbyists to register with the secretary of state, appear only in formal argument before committees or by formal brief, refrain from approaching members individually, and file expense accounts. The proceedings of the legislature of 1913 are subject to a great deal of publicity not heretofore had, because of this new rule which requires public record of all business in committee. The citadel in congress of those whose legislative desires are apt to be opposed to public wish is the secret caucus and the executive committee session, of the proceedings of which the public has no knowledge and of which there is no official record kept. No semblance of working under cover remains in the Wisconsin legislature. Every move is a record, and every member assumes full responsibility to the people for the part he plays.

[*91] **Joint Rule 7. Form of Bills.** 1. All bills shall be typewritten or printed on paper eight and one-half by eleven inches, shall be in triplicate, shall not be folded, and shall

have the arrangement and wording prescribed by the following:

2. Every bill shall have (a) a title, (b) an enacting clause, (c) subject matter disposed in one or more sections, (d) an enabling clause, if necessary.

3. The title of all bills shall state, in the fewest words practicable the subject to which the bill relates, and shall be drawn up in one of the following forms:

a. **A BILL**

To repeal section(s) (or designated parts of sections) of the statutes, relating to

b. **A BILL**

To amend section(s) (or designated parts of sections) of the statutes, relating to (and making an appropriation).

c. **A BILL**

To create section(s) (or designated parts of sections) of the statutes, relating to (and making an appropriation).

d. **A BILL**

To authorize (provide) (and making an appropriation).

[*92] *e. **A BILL**

To repeal section(s) (or designated parts of sections) of chapter of the laws of (session) relating to

f. **A BILL**

To amend section(s) (or designated parts of sections) of chapter of the laws of (session) relating to (and making an appropriation).

g. **A BILL**

To create section(s) (or designated parts of sections) of chapter of the laws of (session) relating to (and making an appropriation).

4. Forms a, b, c, shall be used when a permanent general law is intended to be enacted, so that such acts may be included in the Wisconsin Statutes. A combination of any two, or of all of these forms shall be permitted whenever expedient, so that it may be possible to repeal, amend, and create sections of the statutes, relating to the same subject, in one bill.

Forms d, e, f, and g shall be used when local, private, special or temporary laws are intended to be enacted, which are not to be included in the Wisconsin Statutes. Combinations of any two or of all of these forms shall be permitted whenever expedient.

5. No private or local bill shall embrace more than one subject, as provided in the Constitution, article IV, section 18. The cases in which special or private bills are prohibited are determined by the Constitution, article IV, section 31.

6. The title shall be immediately followed by the enacting clause, the form of which is prescribed by the Constitution, article IV, section 17, viz.

[*93] *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7. The subject matter of the bill shall follow the enacting clause and be disposed in one or more sections. Each section of the subject matter shall begin in one of the following forms, corresponding to the title:

a. Section Section(s) (or designated parts of sections) of the statutes is (are) repealed.

b. Section Section(s) (or designated parts of sections) of the statutes is (are) amended to read: Section

c. Section A (number) new section(s) is (are) added to the statutes to read: Section

d. Section (Provisions of private, local or temporary measure.)

e. Section Section(s) (or designated parts of sections) of chapter of the laws of is (are) repealed.

f. Section Section(s) (or designated parts of sections) of chapter of the laws of is (are) amended to read: Section

g. Section A (number) new section(s) (or designated parts of sections) is (are) added to (section or designated part of section of) chapter of the laws of to read: Section (or designated part of section).....

8. All bills proposing amendments shall indicate the changes desired by showing the matter to be stricken out with a line through the words or part to be omitted, and all new matter with underscoring or italicising of the part inserted. The portions to be left unchanged shall be presented in ordinary typewriting or by Roman type, as required by section 20.08 of the statutes.

9. An enabling clause is not required in a bill, unless it is desired to make an act take effect at a time other than that prescribed by section 4975 of the statutes. Whenever an enabling clause is inserted in a bill, it shall constitute the last section of the bill, and be in substantially the following form:

[*94] *This act shall take effect upon (passage and publication) (or a given date)

10. Sections to be inserted between two existing sections in chapters of the statutes that have not been revised by the revisor of statutes shall be assigned letters and figures according to the following plan:

925	925	925	925	925
925m	925g	925d	925b	925a
926	926m	925g	925d	925b
925	925m	925t	925x	925y
925m	925t	925w	925y	925z
926	926	926	926	926

and to fit rare instances when letters cannot be used, figures and letters set off by dashes may be used, as, for example, section 1345a—1, etc.

In chapters of the statutes in which the decimal system of numbering of sections has been applied, newly inserted sections shall be numbered as prescribed in section 20.08 of the statutes.

11. All sections, subsections or paragraphs of the statutes, and all other laws which are intended to be superseded or repealed, should be so far as practicable, specifically referred to and expressly repealed, but this paragraph is not intended to affect judicial construction.

12. Either house may by motion or resolution except bills prepared by the revisor of statutes from the provisions of this rule, and may permit such bills to be accompanied by explanatory notes to be printed in the bill in eight point solid type immediately following the sections to which they respectively relate, but to constitute no part of the proposed act.

[*95] *Joint Rule 8. Yeas and nays on appropriation bills. On the passage of either house of any bill

which imposes, continues or renews a tax or creates a debt or charge; or makes, continues or renews, an appropriation of public or trust money; releases, discharges or commutes a claim or demand of the state; the question shall be taken by yeas and nays which shall be duly entered on the journal, and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

Joint Rule 9. Presiding officer to sign enrolled bills. When a bill shall have been duly reported as correctly enrolled, it shall be the duty of the chief clerk of the house in which it originated, to present the bill, first, to the presiding officer of the house in which it originated, and next, to the presiding officer of the other house, for their signatures, which duty shall be performed at as early an hour as possible.

Joint Rule 10. Enrolled bills to be submitted to governor. After a bill shall have been signed by the respective presiding officers of the two houses, it shall be presented by the chief clerk of the house in which it originated, to the governor in the executive chamber, for his approval. The bill shall be accompanied by a transcript of the notations on the bill envelope, certified as correct by the chief clerk of the house where the bill originated.

Joint Rule 11. Similar action on resolutions, etc. All resolutions and memorials, which are to be presented to the governor for his approval, shall, also in the same manner be previously examined, enrolled and signed.

Joint Rule 12. Book of enrolled bills. It shall be the duty of the chief clerk of each house to keep a senate and assembly book of enrolled bills in which shall be accurately minuted the exact time at which each bill or resolution [*96] (indicating it by its number) was presented *to the presiding officer of each house for his signature, and the governor for his approval. Such books shall always be open for inspection and shall be deposited with the secretary of state, to be preserved by him at the close of the session. The book shall be substantially in the following form:

No. of bill.	Presented to President.		Presented to Speaker.		Presented to Governor.	
	Date	Hour	Date	Hour	Date	Hour
No. 1, S.	Feb. 14	9 a.m.	Feb. 15	10 a.m.	Feb. 15	2 p.m.

And a like book for bills originating in the assembly shall be kept by the chief clerk thereof.

Joint Rule 13. Bill recalled from governor. Whenever by joint resolution of the two houses, any bill or resolution shall have been recalled from the governor for further consideration, said bill or resolution shall after having been actually returned to the house where it originated be deemed to be before said house for its action thereon and may be reconsidered or otherwise acted upon without any reconsideration or other action thereon being first had in the other house. Any action taken shall then be messaged to the other house for its concurrence.

Joint Rule 14. Adjournment. Neither house shall adjourn during any session thereof, without the consent of the other, for a longer period than three days.

Joint Rule 15. Rescinding, amending, or suspending rules. No standing joint rule shall be rescinded or [*97] *changed except by joint resolution adopted by a vote of at least two-thirds of the members present in each house, and unless there shall be unanimous consent for the suspension of the same the vote shall be taken by yeas and nays. Such resolutions shall not be acted upon in either house without notice having been given by the print-

ing of the resolution in the journal, except by unanimous consent.

These rules may be suspended in either house by vote of two-thirds of the members present. The vote shall be determined by yeas and nays unless unanimous consent be given.

Note. Opinion of the Attorney-General on power of chief clerk to correct error in the journal, and upon the purpose and use of notations on the original bills, etc.

Department of Attorney-General, Madison, Wisconsin.
Mr. F. M. Wylie, Chief Clerk Senate, City.

Dear Sir:—Replying to your letter of January 31st, you are advised that the Chief Clerk of the Senate possesses no power except such as is clearly conferred by law and the rules of the Senate.

Section 6, Art. IV, of the Constitution provides that each House may determine the rules of its own proceedings. Section 8 of the same Article provides that each House shall keep a journal of its proceedings. The duties of the Chief Clerk are found in Rule 18 and sec. 108—9, Statutes, 61 and 62. Under the circumstances stated in your letter it would be the duty of the Chief Clerk to call the attention of the Senate to the fact that the journal was approved and that it contained an error. It is for the Senate and not the Chief Clerk to order correction of the journal. The records of the Senate are under its control at all times when in session for the purpose of correcting any errors that may have occurred during such session. The Chief Clerk has no authority to add anything to the journal by note or otherwise except as authorized by the rules. He should notify the Senate of any error and record the action of the Senate on such information.

Clearly, the Chief Clerk has no authority to make any correction in the journal after the legislature has adjourned even if an important law should be invalidated for want of such correction. The notations on the back of bill or envelope as provided for by Rule 20 are for the temporary guidance of the legislature, as under the Constitution the journal should contain a complete record of the proceedings of the body so that reference to the journal will give full information concerning the steps that were taken in the passage of laws or resolutions.

Respectfully yours,

L. H. BANCROFT,
Attorney-General.

INDEX AND DIGEST

to

Senate Rules and Joint Rules, Jefferson's Manual, Senate Precedents, and Notes.

ACTS (See **BILLS AND RESOLUTIONS**.)

ADHERE Jt. Rule 3, p. *85; Jeff. Man. 60, p. *86.

ADJOURNMENT

Effect

Removes pending question. Jeff. Man. 42, p. *53.

Does not give senator right to speak more than once on question. Senate Rule 66, p. *50.

Simple, is to meet sitting day. Jeff. Man. 43, p. *54.

Call of the senate. Senate Rule 90, p. *76.

Privilege of motion. Senate Rule 69, p. *54.

Motion to adjourn to a day beyond the next having failed, a motion to adjourn has been entertained and put. Sen. Prec. 63, p. *54.

Two consecutive motions to adjourn have been put. Sen. Prec. 64, p. *54.

Second motion to set same time to which senate shall adjourn has been entertained, other business intervening. Sen. Prec. 69, p. *55.

Motion to set time to which senate shall adjourn may follow defeated motion for recess. Sen. Prec. 70, p. *55.

Motion to adjourn being defeated, motion to take recess has been entertained and defeated, and another motion to adjourn entertained and carried. Sen. Prec. 73, p. *56.

Motion nondebatable. Senate Rule 74, p. *66.

Motion cannot be amended.

Jeff. Man. 43, p. *54.

Motion has been amended to make it recess. Sen. Prec. 66, p. *55.

Motion to amend motion to adjourn by making it recess has been put. Sen. Prec. 65, p. *54.

Neither house more than three days. Jt. Rule 14, p. *96.

Discussion, new rule suggested. Notes 24 and 25, pp. *56 and *57.

(See also **MOTIONS**.)

APPEAL

Debate

Nondebatable when nondebatable question pending.

Senate Rule 74, p. *66.

Procedure. Senate Rule 8, p. *6.

(See also **POINTS OF ORDER**.)

AMENDMENTS

Between Houses.

Jt. Rule 2, p. *83; Note 32, p. *84; Jt. Rule 3, p. *85;

Jeff. Man. 60, p. *86.

Question on assembly amendment to senate bill may be divided. Sen. Prec. 33, p. *38.

Committee. Senate Rule 60, p. *44.

Debate

Senator may make speech again to amendment.

Jeff. Man. 39, p. *50.

Form and Substance

Must be on furnished blanks unless offered from the floor. Senate Rule 55, Sen. Prec. 40, p. *39. Must be germane. Senate Rule 56, Sen. Prec. 41, p. *40; Senate Rule 58, p. *43.

Shall not totally alter nature of original proposition. Senate Rule 57, Sen. Prec. 42, p. *40.

Out of order if same as one already rejected. Sen. Prec. 43, p. *41.

Question on assembly amendment to senate bill has been divided and part of amendment ruled out of order as identical with matter already rejected. Sen. Prec. 46, p. *42.

Rejected amendment may be offered at different stages. Jeff. Man. 29, p. *43.

Out of order if it makes bill identical with one previously acted upon has been ruled. Sen. Prec. 45, p. *41.

Identity with one already acted upon must be absolute to make out of order. Jeff. Man. 27, p. *41.

President cannot rule out of order on ground that inconsistent with one already adopted. Jeff. Man. 26, p. *40.

Amendment in third degree not permitted. Jeff. Man. 28, p. *42.

Privilege of motion. Senate Rule 63, p. *52.

Procedure.

Revision. Senate Rule 59, p. *44.

Pending amendment referred to committee to be reported back. Senate Rule 61, p. *44.

Question put before main question. Senate Rule 62, p. *44; Jeff. Man. 30, p. *45; Note 22, p. *46.

Adoption does not change question. Senate Rule 62, Sen. Prec. 48, p. *44.

On Third reading, bill to be reëngrossed. Senate Rule 45, p. *35.

Readings. Senate Rule 54, p. *39; Note 21, p. *39; Note 22, p. *46.

Rules. Senate Rule 95, p. *79; Sen. Prec. 107 and 108, p. *79; Sen. Prec. 111, p. *80; Jt. Rule 15, p. *96.

Substitute

Substitute amendment must be in substitute form. Sen. Prec. 44, p. *41.

Substitute must be on file one day before action. Senate Rule 39, p. *30; Sen. Prec. 31, p. *31.

Substitute which is substitute in form only need not be printed before action. Sen. Prec. 31, p. *31.

When in order

In order only on second reading of bill. Senate Rule 53, Sen. Prec. 39, Note 20, p. *38.

Out of order when papers not in possession of senate. Sen. Prec. 47, p. *43.

Previous question being ordered. Senate Rule 83, p. *74; Note 30, Sen. Prec. 105, p. *75.

APPROPRIATIONS (See BILLS AND RESOLUTIONS.)**BILLS AND RESOLUTIONS****Amendment**

Second reading is time for amendment. Senate Rule 53, Sen. Prec. 39, Note 20, p. *38.

Reëngrossed if amended on third reading. Senate Rule 45, p. *35.

Not to be amended by adding another. Senate Rule 58, p. *43.

(See also AMENDMENTS)

Appropriation

Must be referred to finance committee before final passage by both houses. Senate Prec. 34, p. *32.

To be read at length. Senate Rule 44, p. *34; Note 16, p. *35.

Requires yeas and nays (also tax bills). Jt. Rule 8, p. *95.

Clerical corrections. Senate Rule 32, p. *26.

Engrossing

Senate Rule 42, p. *33; Note 14, p. *34.

Reengrossed if amended on third reading. Senate Rule 45, p. *35.

Book of enrolled bills. Jt. Rule 12, p. *95.

Enrolled

Senate Rule 49, p. *37.

Signing. Senate Rule 50, p. *37; Jt. Rule 9, p. *95.

Presented to Governor. Jt. Rules 10 and 11, p. *95.

Equivalent questions

Jeff. Man. 24, p. *31.

Refusal to indefinitely postpone advances bill. Sen. Prec. 32, Note 12, p. *32; Note 15, p. *34.

Form

Jt. Rule 7, p. *91.

Copies of bills; stenographer's identification. Senate Rule 29, p. *25.

Backs. Senate Rule 30, p. *26.

Envelopes. Senate Rule 31, p. *26.

Notation of sections affected by more than one. Senate Rule 35, p. *28; Note 9, p. *29.

Notations of action. Senate Rule 31, p. *26; Note, p. *97.

Clerical corrections. Senate Rule 32, p. *26.

Revision. Senate Rule 34, p. *27; Note 8, p. *28; Senate Rules 37 and 38, p. *30.

Identical

An assembly joint resolution virtually identical with a senate resolution which has been rejected has been considered. Sen. Prec. 25, p. *23.

A senate bill identical with assembly bill which has been rejected by senate has been ruled out of order. Sen. Prec. 26, p. *23.

Assembly bill identical with other assembly bill previously acted upon has been ruled out of order after action on the bill had been taken. Sen. Prec. 27, p. *23.

Parliamentary law as to identical bills. Note 6, p. *24.

Index. Senate Rule 35, p. *28; Note 9, p. *29.

Introduction.

Absolute right to introduce closes fifth week. Senate Rule 36, p. *39.

Right to introduce after fifth week may be given. Senate Rule 37, Note 10, p. *30.

Right to introduce often prohibited near close of session. Jeff. Man. 23, p. *30.

Journal

Reference in journal by number. Senate Rule 33, p. *27.

Messaging

Senate Rule 47, p. *35.

Held during reconsideration period. Senate Rule 48, p. *35.

Privileged resolutions messaged at once. Senate Rule 48, p. *35.

Request by one house for return from the other may be refused and papers acted upon in regular course. Sen. Prec. 26 and notes, p. *36.

Privileged

Definition. Senate Rule 75, p. *66.

Resolution to amend rules is privileged. Sen. Prec. 88, p. *67.

Resolution for special committee to make investigation privileged. Sen. Prec. 89, p. *67.

Privileged resolutions considered at once. Senate Rule 51, p. *37.

Three readings not required. Senate Rule 40, p. *31.

Messaged at once. Senate Rule 48, p. *35.

Readings

Read by title (exceptions), Senate Rule 33, p. *27; Senate Rule 44, p. *34.

Three several readings required unless privileged. Senate Rule 40, Note 11, p. *31.

First reading; reference to committee. Senate Rule 41, Sen. Prec. 33, p. *32.

- Motion to postpone is privileged on first reading. Sen. Prec. 35, p. *33.
- Second reading; ordering to a third reading; engrossing. Senate Rule 42, p. *33; Note 14, p. *34.
- Second reading time for amendments. Senate Rule 53, Sen. Prec. 39, Note 20, p. *38.
- Third reading. Senate Rules 43 and 44, Note 15, p. *34; Note 16, p. *35.
- Recalled from Governor, Jt. Rule 13, p. *96.
- Reference
 - Referred on first reading. Senate Rule 41, Sen. Prec. 33, p. *32.
 - Appropriation bills must be referred to Finance Committee. Sen. Prec. 34, p. *32.
 - Rereference in order at any time. Senate Rules 46 and 47, Note 17, p. *35.
 - Reference of a part or section. Jeff. Man. 25, Note 13, p. *33.
 - Recalled from committee. Senate Rule 47, Note 17, p. *35.
- Revision, Senate Rule 34, p. *27; Note 8, p. *28; Senate Rules 37 and 38, p. *30.
- Vetoed
 - Various procedure. Sen. Prec. 29, p. *24.
- When may be acted upon
 - Printed bill to be on file one day before action. Senate Rule 39, p. *30.
 - Lie on table until minority and majority report is printed. Senate Rule 28, p. *23.
 - Suspension of rules for consideration. Senate Rule 39, p. *30.
 - Senate cannot act without possession of original papers. Sen. Prec. 30, p. *25.
 - Resolution has been held out of order after it was received and motion to lay on the table entertained. Sen. Prec. 28, p. *24.
 - Unconstitutionality not ground for point of order. Sen. Prec. 27a, p. *24.
- Withdrawal. Senate Rule 46, Note 17, p. *35.

CALENDAR
(See ORDER OF BUSINESS)
(See also COMMITTEES)

CALL OF THE SENATE

- Procedure
 - Senate Rule 86 to 92, incl., Sen. Prec. 106, p. *76.
 - One call in order on motion for previous question. Senate Rule 85, p. *75.

CLERICAL CORRECTIONS
(See BILLS AND RESOLUTIONS)

COMMIT

- Amendment of motion. Jeff. Man. 41, p. *53.
- Privilege of motion. Senate Rule 68, p. *52.
- Motion not twice allowed. Senate Rule 71, p. *58.
- Privilege of motion suspended by resolution. Sen. Prec. 58, p. *52.

COMMITTEES

- Business in
 - Senate Rule 24, p. *19; Jeff. Man. 20, p. *20.
 - Quorum. Senate Rule 23, p. *19.
 - Committee can act only in regular meeting. Jeff. Man. 20, p. *20.
 - Record of Proceedings. Jt. Rule 6, p. *90.
 - Must report back pending amendment. Senate Rule 61, p. *44.
 - Examination of witnesses. Jeff. Man. 22, p. *20.
 - Cannot proceed against member. Jeff. Man. 3, p. *1.
 - Cannot punish disorder. Jeff. Man. 21, p. *20.
- Chairman
 - Standing committees elect. Senate Rule 20, p. *17.
 - Chairman of special is senator first named. Sen. Prec. 22, p. *19.
 - Chairman chosen by committee. Jeff. Man. 18, p. *18.
- Conference. Jt. Rule 2, Note 32, p. *83; Note 33, p. *84; Jt. Rule 59, p. *85.

Finance Committee

Must pass on all appropriation bills. Sen. Prec. 34, p. *32.

Hearings

Notice of hearing. Senate Rule 24, p. *19.

Calendar of hearing. Senate Rule 25, p. *21; Jt. Rule 4, p. *88.

Instructions to. Jeff. Man. 41, p. *53; Sen. Prec. 112, p. *89.

Joint

Procedure. Jeff. Man. 63, p. *89.

Chairman. Jt. Rule 5, p. *88.

Hearings. Jt. Rule 4, p. *88.

Either house may instruct joint committee as to papers referred to such committee by the house instructing. Sen. Prec. 112, p. *89.

Legislative Procedure

Passes on introduction of all bills after fifth week.

Senate Rule 37, p. *30.

Quorum. Senate Rule 23, p. *19.

Reports

Senate Rule 26, p. *22.

Minority report. Senate Rule 27, p. *22.

Minority report cannot be made except at time majority report is made. Sen. Prec. 24, p. *23.

Minority and majority reports to be printed before action. Senate Rule 28, p. *23.

Conference. Jt. Rule 2, Note 32, p. *83.

Standing. Senate Rule 20, p. *17.

Subcommittees. Senate Rule 23, p. *19.

Special

Senate Rule 21, p. *18; Sen. Prec. 22, p. *19.

Resolution, creating and regarding, is privileged. Senate Rule 75, p. *66; Sen. Prec. 89, p. *67.

When may sit

Not to sit during session of the senate. Senate

Rule 22, p. *19; Jeff. Man. 19, p. *19.

(See also Reference under **BILLS AND RESOLUTIONS.**)

COMMITTEE OF THE WHOLE**Form of going into**

Jeff. Man. 11, p. *14.

The senate can resolve into, only upon motion at the time. Sen. Prec. 12, p. *14.

On one occasion senate resolved into on motion made at prior time on same day. Sen. Prec. 13, p. *14.

Motion to resolve into debatable. Sen. Prec. 14, p. *14.

On one occasion the president put question on chairman. Sen. Prec. 16, p. *15.

Joint

Of two houses cannot be had. Sen. Prec. 21, p. *17.

Procedure in

Senate Rule 19, p. *13.

Quorum same as in senate. Jeff. Man. 12, p. *15.

Order in. Jeff. Man. 16, p. *16.

Addressing questions to chair not strictly adhered to. Jeff. Man. 22, p. *20; Sen. Prec. 23, p. *21.

Must follow instructions strictly. Sen. Prec. 19, p. *16.

Cannot refer a matter to another committee. Jeff. Man. 15, p. *16.

Subcommittee named to prepare findings. Sen. Prec. 20, p. *16.

Cannot postpone to future date subject it is sitting under instructions to consider. Sen. Prec. 18, p. *16.

Yeas and nays cannot be demanded in. Senate Rule 19, p. *13; Sen. Prec. 15, p. *14.

Cannot take recess. Sen. Prec. 17, p. *16.

Must rise and report. Jeff. Man. 14, p. *15.

Report

Must rise and report. Jeff. Man. 14, p. *15.

Final report. May be rejected or altered by senate. Jeff. Man. 17, p. *17.

COMMUNICATIONS (See PETITIONS.)

CONFERENCE

Procedure

Jt. Rule 2, Note 32, p. *83.

The committee for each house should represent the views of that house. Note 33, p. *84.

Only those favoring the matter appointed on committee. Jeff. Man. 59, p. *85.

DEBATE

Limit

Confined to question. Senate Rule 63, Sen. Prec. 50, p. *46.

On motion to suspend rule, main question cannot be debated. Sen. Prec. 109, p. *80.

In order upon motion to reconsider vote by which bill postponed beyond end of session. Sen. Prec. 55, Note 23, p. *51.

Senator may speak but twice. Senate Rule 66, Sen. Prec. 54, p. *50.

Senator having spoken on bill may speak again on amendment. Senate Rule 60, p. 44; Jeff. Man. 39, p. *50.

Senator may speak until both affirmative and negative put. Jeff. Man. 40, p. *50.

Division of question permits debate on second member after first member put. Jeff. Man. 48, p. *67.

Reading of speech may be prohibited by senate. Jeff. Man. 34, p. *48.

Motion to suspend rules to place bill on final passage and limit debate on the question may be made as one motion. Sen. Prec. 57, p. *51.

May be printed in journal. Sen. Prec. 56, p. *51.

Motions privileged during. Senate Rule 68, p. *52.

Nondebatable questions

Senate Rule 74, p. *66.

Motion to reconsider is not debatable when the question it is moved to reconsider was not debatable. Sen. Prec. 78, p. *60.

Order in

Member first to address chair and be recognized. Senate Rule 63, Sen. Prec. 49, p. *46.

President names first speaker. Senate Rule 64, p. *48; Jeff. Man. 36, p. *49.

Senator must speak from place and but twice on question. Senate Rule 66, p. *50; Sen. Prec. 54, p. *50.

Disorderly words. Senate Rule 65, Jeff. Man. 37, p. *49.

Personality out of order. Senate Rule 63, Sen. Prec. 49, p. *46.

Debate or proceedings in one house not to be quoted or noticed in other. Jeff. Man. 32 and 33, Sen. Prec. 51, p. *47.

Reference to member of other house out of order. Sen. Prec. 52, p. *48.

Statement by member not in order to be messaged to other house. Sen. Prec. 53, p. *48.

Member whom debate concerns to withdraw. Jeff. Man. 35, p. *48.

Previous question. Senate Rule 83, p. *74.

DECORUM (See ORDER AND DECORUM.)

DIVISION

Any member may call for. Senate Rule 77, p. *68.

President may call. Jeff. Man. 49, p. *68.

Tie loses question. Jeff. Man. 52, p. *69.

Effect when no quorum shown. Jeff. Man. 50, p. *68.

Number voting on either side not recorded. Sen. Prec. 92, p. *69.

Points of order decided peremptorily. Jeff. Man. 51, p. *68; Sen. Prec. 97, p. *71.

DIVISION OF THE QUESTION (See QUESTIONS.)

EMPLOYEES

Regulations. Senate Rule 93, Note 31, p. *78.
Pay roll. Senate Rule 94, p. *78.

ENGROSSMENT (See BILLS AND RESOLUTIONS.)**ENROLLMENT (See BILLS AND RESOLUTIONS)****EXECUTIVE COMMUNICATIONS**

Bills approved read by number. Senate Rule 33, p. *27.

GOVERNOR

Enrolled bill presented for signature. Jt. Rules 10 and 11, p. *95.

(See also EXECUTIVE COMMUNICATIONS)

HEARINGS (See COMMITTEES.)**INDEFINITE POSTPONEMENT**

When committee recommends, question must be put. Senate Rule 62, Sen. Prec. 48, p. *44.

Refusal to indefinitely postpone advances bill. Sen. Prec. 32, Note 12, p. *32; Note 15, p. *34.

(See also POSTPONEMENT)

INDEX

(See BILLS AND RESOLUTIONS)

(See also JOURNAL)

(See also LOBBYISTS)

INSIST Joint Rule 3, p. *85; Jeff. Man. 60, p. *86.**JOINT CONVENTION**

Procedure in

Jt. Rule 1, p. *82.

No motion to proceed to vote for U. S. Senator is required or in order. Jt. Prec. 3, p. *82.

Senator has been excused from voting for U. S. Senator. Jt. Prec. 2, p. *82.

Members must remain at seats during vote. Jt. Prec. 4, p. *83.

Points of order during voting are decided peremptorily. Jt. Prec. 6, p. *83.

Those not members are not permitted to enter upon the floor to endeavor to influence proceedings. Jt. Prec. 5, p. *83.

Upon roll call showing lack of quorum, president has declared joint convention dissolved. Jt. Prec. 7, p. *83.

Senate has ignored order of joint convention that minutes of joint convention in senate journal be changed. Jt. Prec. 1, p. *82.

JOURNAL

Record of questions. Jeff. Man. 45, p. *64.

Reference to bills and resolutions by number. Senate Rule 33, p. *27.

May record debate verbatim. Sen. Prec. 56, p. *51.

Joint convention proceedings recorded. Jt. Rule 1, p. *82.

Chief Clerk may make only minor typographical corrections. Note 1, p. *5; Note, p. *97.

LAY ON TABLE (See MOTIONS.)**LEGISLATIVE AGENTS AND COUNSEL**

(See LOBBYISTS)

LEAVE OF ABSENCE

Members and officers. Senate Rule 17, p. *11.

LOBBYISTS

Not admitted to chamber. Senate Rule 12, p. *9; Sen.

Prec. 8, Note 3, p. *10.

Index. Note 9, p. *29.

MEMORIALS

(See **BILLS AND RESOLUTIONS**)(See also **PETITIONS**)

MESSAGES

Corrections may be allowed. Note p. *35.

Reading of bills is by number. Senate Rule 33, p. *27.

What may contain

Statement by member not in order to be messaged to other house. Sen. Prec. 53, p. *48.

When received

Privileged. Jeff. Man. 58, p. *81.

Received under any order of business. Jeff. Man. 9, Note 5, p. *12.

Received during debate. Jeff. Man. 31, p. *46.

Received when delivered. Sen. Prec. 38, p. *36, Note, p. *35.

Received in committee of the whole. Jeff. Man. 13, p. *15.

When sent

Bill passed. Senate Rule 47, p. *35.

Privileged resolutions messaged at once; other papers held during reconsideration period. Senate Rule 48, p. *35.

MINORITY (See **QUORUM**.)

MOTIONS

Adjourn

Privilege of. Senate Rule 68, p. *52; Senate Rule 69, p. *54.

Cannot be amended. Jeff. Man. 43, p. *54.

Nondebatable. Senate Rule 74, p. *66.

(See also **ADJOURNMENT**)

Amend

Privilege of. Senate Rule 68, p. *52.

Commit

Privilege of. Senate Rule 68, p. *52.

Privilege of motion suspended by resolution. Sen. Prec. 58, p. *52.

Rerefer in order at any time prior to passage. Senate Rule 46, p. *35.

Amendment of motion. Jeff. Man. 41, p. *53.

Motion not twice allowed. Senate Rule 71, p. *58.

Recall and recommit in order but divisible. Senate Rule 46, Note 17, p. *35.

Committee of the whole

Motion to resolve into is debatable. Sen. Prec. 87, p. *66.

Germane

Must be. Senate Rule 58, p. *43.

Lay on the table

Privilege of. Senate Rule 68, p. *52.

Laying on table temporary only. Senate Rule 70, p. *58.

Take from table. Senate Rule 70, p. *58.

Lay on the table and to take from the table nondebatable. Senate Rule 74, Sen. Prec. 85 and 86, p. *66.

Nondebatable. Senate Rule 74, p. *66.

Postpone

May be amended. Jeff. Man. 41, p. *53.

Not twice allowed. Senate Rule 71, p. *58.

To day certain, privilege of. Senate Rule 68, p. *52.

Indefinitely, privilege of. Sen. Prec. 62, p. *53; Senate Rule 68, p. *52.

To strike out enacting clause equivalent to indefinite postponement. Senate Rule 72, p. *58.

Motion to nonconcur equivalent to motion to indefinitely postpone. Sen. Prec. 61, p. *53.

Previous question

Privilege of. Senate Rule 68, p. *52.

(See also **PREVIOUS QUESTION**)

Privileged

What are. Senate Rule 75, p. *66.

Precedence of several. Senate Rule 68, Sen. Prec. 59, p. *52; Jeff. Man. 41, p. *53.

Effect of several on main question. Jeff. Man. 42, p. *53.

Recall and recommit or withdraw in order but divisible. Senate Rule 46, Note 17, p. *35.

Motion to suspend rules to place bill on final passage and limit debate on the question may be made as one motion. Sen. Prec. 57, p. *51.

Procedure.

Shall be written if senator demands, except to adjourn, postpone or commit. Senate Rule 67, p. *52.

Stated or read previous to debate. Senate Rule 67, p. *52.

Withdrawn by consent of the senate. Senate Rule 67, p. *52.

Recess

Nondebatable. Senate Rule 74, p. *66.

(See also RECESS)

Reconsider. Senate Rule 73, p. *58.

(See also RECONSIDERATION)

OFFICERS—ELECTION AND DUTIES

Chief Clerk

Senate Rule 6, p. *4.

To read bills by title. Senate Rule 33, p. *27.

To read amendments. Senate Rule 54, Note 21, p. *39.

To take down disorderly words. Jeff. Man. 37, p. *49; Jeff. Man. 38, p. *50.

To provide bill backs and envelopes and make notations of action. Senate Rules 30 and 31, p. *26.

To furnish amendment blanks. Senate Rule 55, p. *39.

Revision of bills. Senate Rule 34, p. *27; Senate Rule 38, p. *30.

To make clerical corrections to bills and resolutions. Senate Rule 32, p. *26.

Engrossing bills. Senate Rule 42, p. *33; Note 14, p. *34.

Enrolling Bills. Senate Rule 49, Note 19, p. *37.

To attest writs, warrants and subpoenas. Senate Rule 50, p. *37.

Present bills for signature of presiding officer and governor. Jt. Rule 9, p. *95.

Book of enrolled bills. Jt. Rule 12, p. *95.

Employees. Senate Rules 93 and 94, p. *78.

Assists at joint convention. Jt. Rule 1, p. *82.

May make only minor typographical corrections to journal after approval. Note 1, p. *5; Note, p. *97.

Lieutenant Governor

To call senate to order. Senate Rule 1, p. *2.

To cast deciding vote. Senate Rule 81, p. *7.

President of joint convention. Jt. Rule 1, p. *82.

President

Senate Rule 5, p. *3.

To name first speaker in debate. Senate Rule 64, p. *48; Jeff. Man. 36, p. *49.

To state amendments. Senate Rule 54, p. *39.

Must put question which is in order. Jeff. Man. 6, p. *4.

May call member to chair. Senate Rule 3, p. *3.

May order members to remain in seats during voting by roll. Sen. Prec. 1, p. *4.

To rule whether amendment totally alters original proposition. Senate Rule 57, p. *40.

Cannot rule amendment out of order on ground that inconsistent with one already adopted. Jeff. Man. 26, p. *40.

To refer bills. Senate Rule 41, p. *32.

To sign bills and resolutions. Senate Rule 50, p. *37; Jt. Rule 9, p. *95.

To issue writs, warrants and subpoenas. Senate Rule 50, p. *37.

Approves employees' pay roll. Senate Rule 94, p. *78.

President pro tem

Not excused from voting. Senate Rule 2, p. *3.

Sergeant-at-Arms

Senate Rule 7, p. *6.

Call of the Senate. Senate Rules 88, 89, 91, 92, pp. *76 and *77.

Employees. Senate Rules 93 and 94, p. *78.

Speaker

Signs bills. Jt. Rule 9, p. *95.

Temporary president. Senate Rule 4, p. *3.

ORDER AND DECORUM

Disorderly words in debate. Senate rule 65, p. *49; Jeff.

Man. 37 and 38, pp. *49 and *50.

Floor privilege. Senate Rule 12, p. *9; Sen. Prec. 8,

Senate Rule 13, p. *10.

Lobby may be cleared. Senate Rule 14, p. *10.

Members not to leave senate, when. Senate Rule 9, p. *8.

President preserves. Senate Rule 8, p. *6.

Reading and smoking. Senate Rule 11, p. *9.

Yeas and nays. Senate Rule 10, Sen. Prec. 7, p. *9.

ORDER OF BUSINESS

Calendar

Daily. Senate Rule 18, p. *12; Senate Rule 19, p. *13.

Orders of the day have precedence. Jeff. Man. 10, p. *12.

Committee of the Whole. Senate Rule 19, p. *13.

Hour of meeting. Senate Rule 15, p. *10.

Roll call first. Senate Rule 16, p. *10.

Special

Takes precedence of the regular order at the hour set. Sen. Prec. 11, p. *13.

PAIRS (See VOTING.)

PAPERS

Conference. Jt. Rule 2, Note 32, p. *83.

Possession

Senate cannot act without possession. Sen. Prec. 30, Note 7, p. *25.

Action without possession permitted on motion to recall and recommit or withdraw. Senate Rule 46, Note 17, p. *35.

Conference. Jt. Rule 2, Note 32, p. *83.

Reconsideration. (See below.)

Reading

Member may not have read as a right. Jeff. Man. 34, p. *48.

Senator may have read before he must vote on them. Jeff. Man. 56, p. *72.

Question to be put before main question. Jeff. Man. 41, p. *53.

Reconsideration

Held during reconsideration period. Senate Rule 48, p. *35.

Reconsideration not in order without possession. Senate Rule 73, p. *58.

Motion to reconsider entertained without possession, but not put. Sen. Prec. 82, p. *61.

(See also PETITIONS)

PETITIONS

Procedure

Presented by member. Senate Rule 52, p. *37.

Reading

It has been held that petitions must be read at least by title. Sen. Prec. 37, p. *38.

POINTS OF ORDER

Appeal. Senate Rule 8, p. *6.

Procedure

President decides. Senate Rule 8, p. *6.

Decided peremptorily during voting. Jeff. Man. 51, p. *68; Sen. Prec. 97, p. *71.

Decided peremptorily during debate. Jeff. Man. 7, Sen. Prec. 2, p. *7.

When and how decided. Jeff. Man. 7, p. *7.

Recorded in Journal. Note 2, p. *7.

Time for

- Must be raised before result of vote is announced. Sen. Prec. 3, p. *7.
- Must be raised before question is put, when unanimous consent is granted. Sen. Prec. 4, p. *8.
- Has been ruled out when motion against which made previously entertained and laid over. Sen. Prec. 5, p. *8.
- Has been made and sustained after motion against which it was made had prevailed. Sen. Prec. 6, Note 2, p. *8.
- Made and sustained against resolution after resolution received and motion to lay on table entertained. Sen. Prec. 28, p. *24.
- Unconstitutionality not ground. Sen. Prec. 27a, p. *24.

POSTPONE

Amendment of motion. Jeff. Man. 41, p. *53.

Day certain

- Privilege of. Senate Rule 68, p. *52.
- Motion is privileged on first reading. Sen. Prec. 35, p. *33.
- Motion not twice allowed. Senate Rule 71, p. *58.
- Amounts to indefinite postponement if day beyond session. Note 23, p. *51.

Indefinitely

- Privilege of motion. Senate Rule 68, p. *52; Sen. Prec. 62, p. *53.
- Motion is privileged on first reading. Sen. Prec. 35, p. *33.
- Motion not twice allowed. Senate Rule 71, p. *58.
- Day certain beyond end of session amounts to. Note 23, p. *51.

PREVIOUS QUESTION**Privilege of motion**

- Senate Rule 68, p. *52.
- A motion may be made and the previous question on such motion moved by the senator making the motion while he still retains the floor. Sen. Prec. 104, p. *74.
- Procedure. Senate Rules 82 and 83, p. *74; 84, p. *75; Note 30, Sen. Prec. 105, p. *75.
- Call of senate in order once. Senate Rule 85, p. *75.

PRINTING

(See **BILLS AND RESOLUTIONS**)
(See **COMMITTEE REPORTS**)

PRIVILEGE**Member**

- Cannot waive. Jeff. Man. 2, p. *2.
- Committee cannot proceed against. Jeff. Man. 3, p. *1.
- How charge against prosecuted. Jeff. Man. 4, p. *1.
- Leave of absence. Senate Rule 17, p. *11.
- Senator may insist rules be carried out. Jeff. Man. 57, p. *79.
- Observance between Houses. Jeff. Man. 5, p. *2.

PRIVILEGED MOTIONS (See **MOTIONS.)****PRIVILEGED QUESTIONS**

(See **QUESTIONS**)
(See **MOTIONS**)

PRIVILEGED RESOLUTIONS

(See **BILLS AND RESOLUTIONS**)

QUESTIONS**Adjourn**

Nondebatable. Senate Rule 74, p. *66.

Appeal

Nondebatable. Senate Rule 74, p. *66.

Call of Senate

Form of putting motion. Senate Rule 87, p. *76.

Committee of the Whole

To resolve into is debatable. Sen. Prec. 87, p. *66.

Division

Senate Rule 76, Jeff. Man. 48, p. *67.

Question on assembly amendment to senate bill may be divided. Sen. Prec. 38, p. *38; Sen. Prec. 30 and 91, p. *68.

Debate open on each member. Jeff. Man. 49, p. *50.

Conference report should be indivisible. Note 32, p. *83.

Equivalent

Negative of one is affirmative of other. Jeff. Man. 46, p. *64; Note 28, p. *65.

Journal, record of. Jeff. Man. 45, p. *64.

Lay on table

Lay on the table and taken from the table nondebatable. Senate Rule 74, p. *66; Sen. Prec. 85 and 86, p. *66.

Nondebatable

Senate Rule 74, p. *66.

Motion to reconsider is not debatable when question it is moved to reconsider was not debatable. Sen. Prec. 78, p. *60.

Once decided stands

Practice under rule that question once decided stands as the judgment of the House—aside from reconsideration. Jeff. Man. 47, p. *65.

Order

Pending nondebatable question, question of order is nondebatable. Senate Rule 74, p. *66.

Previous

Form of putting motion. Senate Rule 83, p. *74.

Privileged

What are. Senate Rule 75, p. *66.

Putting

Form for. Senate Rule 77, p. *68.

No full question till affirmative and negative both put. Jeff. Man. 40, p. *50.

Recess

Nondebatable. Senate Rule 74, p. *66.

Status

Effect of no quorum. Jeff. Man. 8, p. *11; Jeff. Man. 50, p. *68.

Effect of several privileged motions. Jeff. Man. 44, p. *63.

QUORUM

Appropriation

Appropriation and tax bills require three-fifths. Jt. Rule 8, p. *95.

Evidence of

Roll best evidence—Reed rule not followed. Note 4, p. *11.

Minority

May adjourn and compel attendance. Senate Rule 16, p. *10; Sen. Prec. 10, p. *11.

Effect of no quorum on question. Jeff. Man. 8, p. *11; Jeff. Man. 50, p. *68.

Upon no quorum president has declared joint convention dissolved. Sen. Prec. 9, p. *11.

Tax

Bills levying, removing, or continuing tax require three-fifths. Jt. Rule 8, p. *95.

What is

Majority constitutes in senate. Senate Rule 16, p. *10.

Same in committee of whole as in senate. Jeff. Man. 12, p. *15.

Majority in committee. Senate Rule 23, p. *19.

Appropriation and tax bills require three-fifths. Jt. Rule 8, p. *95.

READING

Papers, controlled by senate. Jeff. Man. 34, p. *48.

(See BILLS AND RESOLUTIONS.)

(See PETITIONS.)

(See AMENDMENTS.)

RECEDE

Jt. Rule 3, p. *85; Jeff. Man. 60, p. *86.

RECESS

Motion nondebatable. Senate Rule 74, p. *66.

Privilege of motion

Motion has same privilege as motion to adjourn. Sen. Prec. 72, p. *56.

Motion to take recess to same hour may be repeated, other business intervening. Sen. Prec. 68, p. *55.

Motion to set time to which senate shall adjourn may follow defeated motion for recess. Sen. Prec. 70, p. *55.

Motion to amend motion to adjourn by making it recess has been put. Sen. Prec. 65, p. *54.

Consecutive motions for a recess, each naming a different time, have been allowed. Sen. Prec. 67, p. *55.

Motion to adjourn being defeated, motion to take recess has been entertained and defeated, and another motion to adjourn entertained and carried. Sen. Prec. 73, p. *56.

Motion to adjourn has been amended to make it recess. Sen. Prec. 66, p. *55.

Motion for a recess has been made and put with motion to dispense with roll call, as one motion. Sen. Prec. 71, p. *56.

Discussion. New rule suggested. Notes 24 and 25, pp. *56 and *57.

RECOGNITION

Member must obtain. Senate Rule 63, p. *46.

President names first speaker. Senate Rule 64, p. *48, Jeff. Man. 36, p. *49.

RECONSIDERATION

Debate

Motion to reconsider is not debatable when the question it is moved to reconsider was not debatable. Sen. Prec. 78, p. *60.

Effect of motion

A question once decided shall stand as the judgment of the senate unless reconsidered under the rule. Sen. Prec. 74, p. *59.

Entertained but not acted upon without papers. Sen. Prec. 82, p. *61.

A joint resolution concurred in and messaged to the assembly has been held to be still pending, upon request to return for reconsideration, the request being refused. Sen. Prec. 84, p. *62; Note 27, p. *63.

Privilege of motion

May be made under any order of business. Senate Rule 73, p. *58.

Motion must be made within time. Sen. Prec. 80, p. *61.

Next "legislative day" is next sitting day of the senate. Sen. Prec. 79, p. *61.

Papers held during period. Senate Rule 48, p. *35.

Motion entertained after time by unanimous consent. Sen. Prec. 81, p. *61.

Motion, when the papers are not in possession of senate, is entertained, the motion not being put until the papers are received. Sen. Prec. 82, p. *61.

A motion to reconsider prevailing, but the bill coming again to the same stage, a second motion to reconsider is in order. Sen. Prec. 75, p. *59.

A motion to reconsider failing, a second motion has been entertained by unanimous consent. Sen. Prec. 76, p. *60.

Action laying over motion to reconsider may be reconsidered. Sen. Prec. 77, p. *60.

Motion has been ruled out of order on the ground that the bill was out of order, after the senate had nonconcurred in the bill. Senate Rule 83, p. *62.

Procedure. Senate Rule 73, p. *58.

REFERENCE

Bills referred on first reading. Senate Rule 41, Sen. Prec. 33, p. *32.
Part or section of bill referred. Jeff. Man. 25, Note 13, p. *33.

RELATIONS BETWEEN HOUSES

Debate

Reference to member of other house out of order. Sen. Prec. 52, p. *48.
Debate or proceedings in one house not to be quoted or noted in other. Jeff. Man. 32 and 33, Sen. Prec. 51, p. *47.

Messages

Jeff. Man. 58, p. *81.
Statement by member not in order to be messaged to other house. Sen. Prec. 53, p. *48.

Privilege

Observance of. Jeff. Man. 5, p. *2.

REPORTS

(See COMMITTEES)
(See also COMMITTEE OF THE WHOLE)

RESOLUTIONS (See BILLS AND RESOLUTIONS.)

REVISION (See BILLS AND RESOLUTIONS.)

ROLL CALL

First in order. Senate Rule 16, p. *10.
Motion to dispense with and to adjourn made in one motion. Sen. Prec. 10, Note, p. *11.

RULES

Amending or rescinding

Senate Rule 95, p. *79; Sen. Prec. 110, p. *80. Jt. Rule 15, p. *96.
Resolution to amend rules is privileged. Sen. Prec. 89, p. *67.

Offer of resolution to amend rules is notice, and resolution lies over one day. Sen. Prec. 108, p. *79.

A motion to create a standing committee is an amendment to the rules and must lie over one day, but a motion to create a special committee may be acted upon at once. Sen. Prec. 107, p. *79.

Enforcement

President's duty. Senate Rule 6, p. *4; Senate Rule 8, p. *6.

Sergeant's duty. Senate Rule 7, p. *6.
Senator may insist rules be enforced. Jeff. Man. 57, p. *79.

Jefferson's Manual. Senate Rule 97, p. *80.

Most material that there be rules. Jeff. Man. 1, p. *1.

Suspension

Senate Rule 96, p. *80. Jt. Rule 15, p. *96.

On motion to suspend rules, main question cannot be debated. Sen. Prec. 109, p. *80.

To place bill on final passage and limit debate on the question may be made as one motion. Sen. Prec. 57, p. *51.

Bill to be read at length. Senate Rule 39, p. *30.

Rule requiring full reading of appropriation bills suspended only by unanimous consent. Senate Rule 44, p. *34.

Rule requiring amendments to be germane suspended only by unanimous consent. Senate Rule 56, p. *40.

On question to suspend rules to release senator from pair on bill, senator paired on the bill cannot vote. Sen. Prec. 110, p. *80.

SPECIAL ORDER (See ORDER OF BUSINESS.)

SUBPOENAS. (See WITNESSES)

SUBSTITUTES (See AMENDMENTS.)

VETO. (See BILLS AND RESOLUTIONS)

VOTING

Division (See DIVISION)

Duty of senator

Senator must vote unless excused. Senate Rule 79, p. *71; Sen. Prec. 98 and 99, p. *72.

Senator may have papers read before he must vote on them. Jeff. Man. 56, p. *72.

Senate has refused to excuse a senator from voting on dispensing with further proceeding under call. Sen. Prec. 101, p. *73.

Senator has been permitted to vote "present." Sen. Prec. 100, p. *73.

Senator may change vote. Jeff. Man. 53, p. *69.

Senator with private interest in question not to vote. Jeff. Man. 55, p. *71; Sen. Prec. 99, p. *72.

Order during

Members must remain at seats. Sen. Prec. 95, p. *70.

Points of order decided peremptorily, Sen. Prec. 97, p. *71.

Pairs

Senate Rule 80, p. 73; Sen. Prec. 103, p. *74.

On question to suspend rules to release senator from pair on bill, senators paired on the bill cannot vote. Sen. Prec. 110, p. *80.

Tie

Lieutenant Governor decides. Senate Rule 81, p. *74.

Lieutenant Governor does not decide in joint convention. Jt. Rule 1, p. *82.

Loses question. Jeff. Man. 54, p. *71.

Effect in case of equivalent questions. Note 12, p. *32; Note 28, p. *65.

Yeas and Nays

Senate Rule 10, Sen. Prec. 7, p. *9; Senate Rule 78, p. *69.

May be demanded at any time before result of vote is announced. Sen. Prec. 93, p. *69.

Result of vote being announced while senator is asking recognition to request, the request has been received. Sen. Prec. 94, p. *69.

Interrupted by unanimous consent to the purpose of interruption. Sen. Prec. 96, p. *70.

After roll call has begun explanation of vote may be made only at time vote is cast. Sen. Prec. 102, p. *73.

WARRANTS (See WITNESSES.)

WITNESSES

Examination. Jeff. Man. 22, p. *20; Sen. Prec. 23, p. *21.
Warrants and subpoenas. Senate Rule 50, p. *37.

WRITS

President issues, clerk attests. Senate Rule 50, p. *37.

YEAS AND NAYS

(See VOTING)

1

89096564174



b89096564174a



89096564174



b69096564174a

89096564174



b89096564174a